

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 IN RE: NATIONAL)
5 PRESCRIPTION) MDL No. 2804
6 OPIATE LITIGATION)
7 Case No.
8 1:17-MD-2804
9
10 THIS DOCUMENT RELATES) Hon. Dan A.
11 TO ALL CASES) Polster
12

13 THURSDAY, APRIL 4, 2019

14 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
15 CONFIDENTIALITY REVIEW

16 - - -

17 Videotaped deposition of Mark
18 Geraci, held at the offices of DECHERT LLP,
19 1095 Sixth Avenue, New York, New York,
20 commencing at 9:10 a.m., on the above date,
21 before Carrie A. Campbell, Registered
22 Diplomate Reporter and Certified Realtime
23 Reporter.

24 - - -

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1	INDEX		
2			PAGE
3	APPEARANCES.....		2
4	EXAMINATIONS		
5	BY MS. CONROY.....		8
6	BY MR. HOFFMAN.....		214
7	BY MS. CONROY.....		219
8			
9	EXHIBITS		
10	No.	Description	Page
11	Purdue	E-mail(s),	22
	Geraci 1	PPLPC022000763004 -	
12		PPLPC022000763005	
13	Purdue	"When OMS Started & Updated,"	36
	Geraci 2	PPLP004449246	
14			
	Purdue	Finance & Accounting Standard	96
15	Geraci 3	Operating Procedures Manual,	
		PPLPC004000119321_001 -	
16		PPLPC004000119321_003	
17	Purdue	Purdue Order Management System	102
	Geraci 4	SOP-0007,	
18		PPLP003430436 - PPLP003430441	
19	Purdue	Order Monitoring System (OMS),	121
	Geraci 5	PPLPC019001275418	
20			
	Purdue	CC-SOP-000017,	146
21	Geraci 6	PPLP004368538 - PPLP004368543	
22	Purdue	CC-SOP-000018,	146
	Geraci 7	PPLP004393084 - PPLP004393098	
23			
	Purdue	CC-SOP-000019,	146
24	Geraci 8	PPLPC023000971890 -	
		PPLPC023000971896	
25			

1	Purdue	E-mail(s) ,	161
	Geraci 9	PPLPC00400317960 -	
2		PPLPC00400317961	
3	Purdue	Objection to Notice of	219
	Geraci 10	Deposition	
4			
	Purdue	Notice of Deposition Pursuant	226
5	Geraci 11	to Rules 30(B)(6) and Document	
		Request Pursuant to Rule	
6		30(B)(2) and Rule 34 to Purdue	
		Pharma, L.P., Purdue Pharma,	
7		Inc., and the Purdue Frederick	
		Company	
8			
9			
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11			
12			
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1 VIDEOGRAPHER: Okay. We are
2 now on the record. My name is Henry
3 Marte. I'm a videographer with Golkow
4 Litigation Services.

5 Today's date is April 4, 2019,
6 and the time is 9:10 a.m.

7 This videotaped deposition is
8 being held at 1095 Avenue of the
9 Americas, New York, New York, in the
10 matter of National Prescription Opiate
11 Litigation.

12 The deponent today is Mark
13 Geraci.

14 All appearances please
15 introduce themselves for the record.

16 MS. CONROY: Jayne Conroy for
17 plaintiffs.

18 MS. HURD: Ellyn Hurd for
19 plaintiffs.

20 MS. CONROY: Mildred Conroy,
21 Lanier Law Firm, for the plaintiffs.

22 MR. HOFFMAN: Nathan Hoffman on
23 behalf of the Purdue defendants and
24 the witness.

25 MR. LAFATA: Paul LaFata from

1 Dechert for the Purdue defendants
2 also.

3 MS. MARTIN: Dana Martin from
4 Dechert for the Purdue defendants
5 also.

6 MS. SHARMA: Shailee Diwanji
7 Sharma, Covington & Burling, for
8 McKesson.

9 VIDEOGRAPHER: And those on the
10 phone, please?

11 MR. ANDERSON: Jon Anderson,
12 Jackson Kelly, on behalf of
13 AmerisourceBergen.

14 MR. McCAULEY: John McCauley
15 for Abbott.

16 VIDEOGRAPHER: Anyone else?

17 Okay. Will the court reporter
18 please administer the oath to the
19 witness.

20
21 MARK GERACI,
22 of lawful age, having been first duly sworn
23 to tell the truth, the whole truth and
24 nothing but the truth, deposes and says on
25 behalf of the Plaintiffs, as follows:

1 DIRECT EXAMINATION

2 QUESTIONS BY MS. CONROY:

3 Q. Good morning, Mr. Geraci.

4 A. Ms. Conroy.

5 Q. Have you ever had your
6 deposition taken before?

7 A. No.

8 Q. Was that a no?

9 A. No.

10 Q. Okay. A couple of ground
11 rules. We have a court reporter, which you
12 saw her magic machine a moment ago, and so
13 she's going to take down what I say; she's
14 going to take down what you say. It's hard
15 if we talk at the same time, so try to wait
16 for the end of my question, and I'll try not
17 to start a question during your answer.

18 Okay?

19 A. Fine.

20 Q. If you want to take a break at
21 any point, just let me know. I would prefer
22 you not take one between a question and
23 answer; we'll wait until the answer is
24 completed to take a break. And we'll all try
25 to remind ourselves to remove our microphones

1 before we break.

2 A. Okay.

3 Q. But you're allowed one break
4 without removing it.

5 Where do you live?

6 A. In New York state.

7 Q. And did you prepare at all for
8 this deposition today?

9 A. Yes.

10 Q. Okay. Did you meet with your
11 lawyers?

12 A. Yes.

13 Q. Okay. Who did you meet with?

14 A. Nathan, Paul and Dana.

15 Q. And for approximately how long?

16 A. Five to six hours in total.

17 Q. And did you review any
18 documents in preparation for this deposition?

19 A. Yes.

20 Q. And were those documents that
21 you had in your possession, or were they
22 provided to you?

23 A. They were provided to me.

24 Q. Okay. Were any of the
25 documents that you reviewed in your

1 possession?

2 A. No.

3 Q. And did you review those
4 documents separately from the meetings that
5 you had with Nathan, Paul and Dana?

6 MR. HOFFMAN: Object to the
7 form.

8 To the extent counsel provided
9 it to him, I don't think there's any
10 distinction there, but go ahead.

11 QUESTIONS BY MS. CONROY:

12 Q. Well, I'm asking about when you
13 reviewed them.

14 Did you review them during the
15 time you were meeting with your lawyers, or
16 was it a separate period of time that you
17 reviewed the documents?

18 A. Both.

19 Q. Okay. And approximately how
20 much time did you spend reviewing the
21 documents outside the presence of your
22 lawyers?

23 A. Maybe an hour.

24 Q. What's your current title at
25 Purdue?

1 A. I am vice president and chief
2 security officer.

3 Q. VP and chief security officer.
4 What are your responsibilities
5 in that role?

6 A. I am responsible for the
7 protection of the company's people, its
8 facilities, its information.

9 That's in the broadest sense.

10 Q. And for how long have you held
11 that position?

12 A. I've been with Purdue for ten
13 years.

14 Q. And have you been a vice
15 president and chief security officer for the
16 ten years?

17 A. Yes.

18 Q. Have you had any promotions or
19 job title changes in the ten years?

20 A. No.

21 Q. How about responsibilities,
22 have they changed over the ten years?

23 A. Yes.

24 Q. In what way?

25 A. Currently I'm chairman of the

1 executive audit committee.

2 Q. And what does the executive
3 audit committee do, or what are your
4 responsibilities on that committee?

5 A. We coordinate the activities of
6 our external auditors and our internal
7 auditors.

8 Q. Any other responsibilities that
9 have changed over the ten years?

10 A. Yes.

11 I don't recall when it
12 occurred, but the control substance act group
13 based out of our North Carolina facilities
14 was moved from the legal division into
15 corporate security.

16 Q. The North Carolina facility,
17 what does that facility do?

18 A. That's a manufacturing
19 facility.

20 Q. Okay. And what did the CSA
21 group do, roughly, generally, at that
22 manufacturing facility?

23 A. Primary mandate is to be
24 DEA-ready, for inspection by the DEA.

25 Q. And that group was moved?

1 A. Yes.

2 Q. Off site?

3 A. No. Moved from where it
4 reported in to.

5 Q. Oh, I see. I see.

6 So they remain in North
7 Carolina --

8 A. Yes.

9 Q. -- but they report to you?

10 A. They did, yes, that's correct.

11 Q. They did. Okay.

12 And is that no longer the case?

13 A. That is not the case now.

14 Q. Okay. And for how long has
15 that not been the case?

16 A. The change occurred last year.

17 Q. Do they report to someone else?

18 A. They report locally, into local
19 operations, with oversight by corporate
20 security.

21 Q. Any other changes in
22 responsibilities?

23 A. No.

24 Q. Did you -- at some point you
25 became a member of the order monitoring

1 committee at Purdue?

2 A. Yes.

3 Q. Okay. And did that start when
4 you began at Purdue?

5 A. Yes.

6 Q. And has that remained the case?

7 A. Yes.

8 Q. Where were you before Purdue?

9 A. I was with Bristol-Myers
10 Squibb, BMS, as you probably -- as I see you
11 writing down here.

12 Q. And what was -- what were
13 your -- what was generally your title and
14 your responsibilities there?

15 A. I was the senior director of
16 corporate security with worldwide
17 responsibility. Same three broad bullets of
18 responsibility.

19 Q. Okay. And where were you
20 located?

21 A. Here in New York City.

22 Q. And where is your office at
23 Purdue, if you have an office?

24 A. Stamford, Connecticut.

25 Q. And is that where you go to

1 work every day?

2 A. Yes.

3 Q. And has that been the case for
4 the ten years?

5 A. Yes.

6 Q. For how long were you at BMS?

7 A. Over 27 years.

8 Q. So I take it your roles changed
9 and expanded over those 27 years?

10 A. Yes.

11 Q. And could you describe for me
12 briefly why you left BMS and went to Purdue
13 ten years ago?

14 A. It was an opportunity to
15 actually be the leader of the entire group,
16 corporate security.

17 Q. And you described BMS as a -- I
18 think did you say international --

19 A. No, I did not.

20 Q. How did you describe it?

21 A. I said my responsibilities were
22 global.

23 Q. Global. Oh, sorry.

24 What is the range of your
25 responsibilities at Purdue geographically?

1 A. United States.

2 Q. Is there someone -- is there
3 anyone in Connecticut that is responsible for
4 outside of the United States in a corporate
5 security capacity?

6 A. No.

7 Q. And what facilities in the
8 United States do you oversee in your role as
9 VP and corporate security chief?

10 A. We have our corporate
11 headquarters and our two manufacturing
12 locations in North Carolina.

13 Q. What about Rhodes in Rhode
14 Island?

15 A. No direct responsibility for
16 Rhodes.

17 Q. Do you have any indirect
18 responsibilities for Rhodes?

19 A. On occasion, providing
20 consultation and advice.

21 Q. Is there someone in a role
22 comparable to yours at Rhodes?

23 A. There is a security manager at
24 Rhodes.

25 Q. Prior to BMS -- long time

1 ago --

2 A. Yes. Yes, it was.

3 Q. -- where were you?

4 A. I was a special investigator
5 with the New York State Attorney General's
6 Office.

7 Q. And what was your concentration
8 there or what did you investigate?

9 A. Criminal investigations of
10 health care fraud at hospitals, nursing homes
11 and eventually Medicaid, all Medicaid fraud,
12 throughout the state.

13 Q. And how long were you there?

14 A. I was there four years.

15 Q. What sort of fraud did you
16 investigate? You can give me some examples.

17 A. Health care fraud. It was
18 basically white collar crime.

19 Q. Okay. Did you investigate
20 doctors?

21 A. Yes.

22 Q. Did you investigate
23 pharmaceutical companies?

24 A. No.

25 Q. What about distributors or

1 anyone in the supply chain of a
2 pharmaceutical --

3 A. No.

4 Q. -- company?

5 A. No.

6 MR. HOFFMAN: Just wait until
7 she finishes her question.

8 QUESTIONS BY MS. CONROY:

9 Q. And prior to the New York State
10 Attorney General's Office, where were you?

11 A. I was at university.

12 Q. Okay. And which university?

13 A. I graduated in -- at Florida
14 Atlantic University.

15 Q. And what year was that that you
16 graduated?

17 A. 1977.

18 Q. And what was your degree?

19 A. Criminal justice.

20 Q. Do you have any degrees
21 after -- was that a BA or a BS?

22 A. BA.

23 Q. Any degrees after the BA?

24 A. Yes.

25 Q. And what are they?

1 A. I have a bachelor's degree in
2 accounting.

3 Q. And where did you receive that
4 degree?

5 A. New York -- SUNY Empire State
6 College.

7 Q. And when?

8 A. 1981.

9 Q. Any other degrees?

10 A. I have an MBA.

11 Q. And year? What year did you
12 receive that?

13 A. 1984.

14 Q. And whereabouts?

15 A. New York Institute of
16 Technology.

17 Q. And any other degrees?

18 A. No.

19 Q. Do you have any certifications
20 of any sort?

21 A. Yes.

22 Q. What are they?

23 A. I have a CPP, which is
24 designated by ASIS International, which is
25 the largest security association in the

1 world.

2 Q. And what is that -- what does
3 that certification suggest to the world?

4 A. That you're a professional,
5 certified protection professional.

6 Q. And what is involved in
7 receiving that certification?

8 A. Examination.

9 Q. And when did you first take
10 that examination?

11 A. Oh, gee.

12 Q. Or if you want to give me like
13 where you were or --

14 A. I'm thinking it was 1996, '97.

15 Q. And is that something that you
16 just take once, or do you have to renew it
17 over time?

18 A. You have to take continuing
19 education.

20 Q. And have you done that? Have
21 you kept up with it?

22 A. Yes.

23 Q. Any other certifications?

24 A. I am a certified fraud
25 examiner.

1 Q. And when did you receive that
2 certification?

3 A. I don't recall.

4 Q. Would it have been prior to
5 your New York State employment?

6 A. No.

7 Q. And are you current as a
8 certified fraud examiner?

9 A. Yes, I am.

10 Q. And any other certifications?

11 A. No.

12 Q. Do you teach at all?

13 A. Not currently.

14 Q. Have you taught in the past?

15 A. Yes.

16 Q. What have you taught?

17 A. What was it? Corporate
18 security. Corporate security.

19 Q. Okay. And where did you do
20 that?

21 A. Suffolk County Community
22 College in New York.

23 Q. Out on Long Island?

24 A. That is correct.

25 Q. And for how long did you do

1 that?

2 A. I believe two semesters.

3 Q. And how long ago was that,
4 approximately?

5 A. Over ten years ago.

6 Q. So while you were at BMS?

7 A. That is correct.

8 Q. Any other teaching engagements?

9 A. No.

10 Q. And do you ever participate as
11 an instructor in CLE?

12 A. No.

13 Q. Have you ever published any
14 articles or books or book chapters with
15 respect to any of your employment
16 responsibilities?

17 A. No.

18 Q. Any in the works?

19 A. No.

20 (Purdue-Geraci Exhibit 1 marked
21 for identification.)

22 QUESTIONS BY MS. CONROY:

23 Q. I'll show you what I've marked
24 as the first exhibit.

25 Exhibit 1 is an e-mail from you

1 to Carmen Roldan.

2 Do you know who Carmen Roldan
3 is?

4 A. Yes.

5 Q. Who is that?

6 A. She is my administrative
7 assistant.

8 Q. Okay. And it's dated
9 September 15th of 2014.

10 And take a look at it. It is
11 2015 budget, corporate security and
12 Controlled Substances Act compliance. It
13 looks like a PowerPoint.

14 Do you see that?

15 A. Yes.

16 Q. Did you prepare this
17 PowerPoint?

18 A. No.

19 Q. Do you know who did?

20 A. Yes.

21 Q. Who was it?

22 A. Our finance department.

23 Q. Okay. And did you have any
24 input into the PowerPoint?

25 A. Yes.

1 Q. Okay. Can you generally tell
2 me where you would have provided input?

3 And you don't have to show me
4 the page --

5 A. Sure.

6 Q. I mean, you can if you want,
7 but I'm just curious where you would have
8 provided input, what areas, with respect to
9 the corporate security and Controlled
10 Substances Act compliance budget.

11 A. Right.
12 Nature and purpose of it.

13 Q. And that is page 3?

14 A. That is page 3.

15 Q. Page 3 of the -- of the -- or
16 the third slide, it looks like.

17 And where would you have --
18 would you have provided all those bullet
19 points?

20 A. I would have provided the
21 information covered in these bullet points.

22 Q. Okay. If you just take a look
23 at the second to the last one it says,
24 "Sustaining the highest level of DEA
25 compliance and readiness."

1 That falls within your
2 responsibilities as vice president and chief
3 security officer at Purdue?

4 A. Yes.

5 Q. And can you tell me what you
6 mean by "DEA compliance and readiness"?

7 A. This relates to the work done
8 at our Wilson and Treyburn facilities by
9 the -- at this time and currently the
10 diversion control group, which was the
11 Controlled Substances Act group. We changed
12 the name to diversion control. This is their
13 responsibility.

14 Q. And that's diversion control at
15 the manufacturing plants?

16 A. That is correct.

17 Q. And where -- which one of the
18 bullet points would cover your
19 responsibilities with the order monitoring
20 committee?

21 MR. HOFFMAN: Object to form.

22 THE WITNESS: I answer this?

23 MR. HOFFMAN: Yeah.

24 THE WITNESS: I heard the
25 objection.

1 MR. HOFFMAN: Unless I tell you
2 not to answer, you can go ahead.

3 THE WITNESS: None of these
4 cover that.

5 QUESTIONS BY MS. CONROY:

6 Q. Is the order monitoring
7 committee not a part of a budget for the
8 corporate security and Controlled Substance
9 Act compliance?

10 MR. HOFFMAN: Object to form.
11 Go ahead.

12 THE WITNESS: It is not.

13 QUESTIONS BY MS. CONROY:

14 Q. Where would -- is there a
15 budget for the order monitoring committee?

16 A. I don't know.

17 Q. Have you ever looked into that?

18 A. No.

19 Q. Have you ever been asked to
20 help prepare a budget for the order
21 monitoring committee?

22 A. No.

23 Q. Do you know if the order
24 monitoring committee is not a part of the
25 corporate security and Controlled Substance

1 Act compliance budget, do you know who would
2 be responsible for that budget --

3 MR. HOFFMAN: Objection.

4 QUESTIONS BY MS. CONROY:

5 Q. -- if, in fact, there is one?

6 MR. HOFFMAN: Go ahead.

7 THE WITNESS: Yes.

8 QUESTIONS BY MS. CONROY:

9 Q. Who is that?

10 A. Originally it would have been
11 in law, and now it's in corporate compliance.

12 Q. And when you say "it's in
13 corporate compliance," is corporate
14 compliance something separate from your
15 responsibilities?

16 A. Yes.

17 Q. Okay. Who is -- where is
18 corporate compliance located?

19 A. Stamford, Connecticut.

20 Q. And is there a vice president
21 of corporate compliance?

22 A. Yes.

23 Q. And who is that?

24 A. Margaret Feltz.

25 Q. Do you report in any way to

1 Margaret Feltz?

2 A. No.

3 Q. Does she report in any way to
4 you?

5 A. No.

6 Q. I'm sorry if you already
7 answered this.

8 Is she -- does she oversee the
9 order monitoring committee?

10 A. Currently.

11 Q. And for how long has that been
12 the case?

13 A. I don't know.

14 Q. Who did -- who was overseeing
15 the order monitoring committee prior to? Was
16 that legal?

17 A. Yes.

18 Q. Is legal the same as the
19 general counsel's office?

20 A. Yes.

21 Q. Was it the general counsel's
22 office or legal when you joined Purdue in
23 2009?

24 A. Yes.

25 Q. Do you recall whether they

1 oversaw it for a very short time or a few
2 years, or do you have any concept?

3 I know you don't remember when
4 the change was. Would you have a concept of
5 whether it was a long time or a short time?

6 MR. HOFFMAN: Object to form.

7 THE WITNESS: I recall it as a
8 number of years.

9 QUESTIONS BY MS. CONROY:

10 Q. So as I look through this
11 budget, this would not in any way concern the
12 order monitoring committee or its
13 responsibilities; is that fair?

14 MR. HOFFMAN: Object to the
15 form.

16 THE WITNESS: That is correct
17 from a budget perspective.

18 QUESTIONS BY MS. CONROY:

19 Q. Okay. From what perspective
20 would that not be fair?

21 A. This is at the budget of the
22 corporate security department and the
23 functions that report in to it.

24 Q. Do any of the functions that
25 report in to the corporate security have

1 anything to do with the order monitoring
2 committee's functions?

3 A. Not the functions.

4 Q. What do they -- if it's not the
5 functions, what is it?

6 A. Could be an individual.

7 Q. Okay. Do you have anyone in
8 mind?

9 A. Yes.

10 Q. Who is that?

11 A. Luis Bauza, that's B-a-u-z-a.

12 Q. And he has been on the
13 committee, the order monitoring committee,
14 correct?

15 A. Yes, he has.

16 Q. Okay. Is he still on the
17 committee?

18 A. Yes.

19 Q. And what are his
20 responsibilities generally, if you know, on
21 the order monitoring committee?

22 A. His responsibilities have
23 generally been to conduct background
24 inquiries concerning pharmacies that the
25 order monitoring committee was looking at

1 that appear to be suspicious.

2 Q. Has he been on the order
3 monitoring committee since 2009; do you know?

4 A. I believe so.

5 Q. Anyone else other than
6 Mr. Bauza that would be a part of the
7 corporate security budget as an individual
8 and have responsibilities in the order
9 monitoring committee?

10 A. Yes.

11 Q. And who is that?

12 A. John Gilbride, G-i-l-b-r-i-d-e.

13 Q. And what are his
14 responsibilities within corporate security?

15 A. His responsibilities within
16 corporate security include supply chain
17 security and our law enforcement liaison in
18 education training programs, also known as
19 LELE.

20 Q. And I saw there were some
21 budget items here for LELE, correct?

22 A. Yes.

23 Q. Does LELE have any crossover
24 with the order monitoring committee?

25 A. No.

1 Q. Where is -- where does John
2 Gilbride have an office?

3 A. He works remotely.

4 Q. And Luis Bauza, is he in
5 Stamford?

6 A. Yes.

7 Q. And what is John Gilbride's --
8 what are his responsibilities with respect to
9 the order monitoring committee?

10 A. John is the one that makes the
11 referral of those pharmacies that the
12 committee has deemed to be suspicious to the
13 Drug Enforcement Administration, DEA.

14 Q. And so he's the one that
15 actually does the physical reporting to the
16 DEA field office?

17 A. No.

18 Q. Okay. Who is that?

19 A. That's -- it's not to a field
20 office. It's to headquarters.

21 Q. Okay. So he's the one that's
22 responsible for making the actual report to
23 DEA headquarters?

24 A. He transmits the report
25 generated from the committee to the DEA.

1 Q. And for how long has that been
2 the case?

3 A. A number of years.

4 Q. Okay. More than five?

5 A. No.

6 Q. Would he have been responsible
7 for that when the -- when legal was -- we'll
8 call it head, but running the order
9 monitoring committee?

10 A. He may have.

11 Q. And has he been the person who
12 refers to the DEA since Ms. Feltz has been
13 head of the order monitoring committee?

14 A. Yes.

15 Q. Anyone else in corporate
16 compliance that would also have
17 responsibilities in the order monitoring
18 committee, other than Mr. Bauza and John
19 Gilbride and yourself?

20 MR. HOFFMAN: You said
21 corporate compliance. Did you mean
22 corporate security?

23 MS. CONROY: I did. Corporate
24 security.

25 THE WITNESS: Not current

1 employees.

2 QUESTIONS BY MS. CONROY:

3 Q. Who are you thinking of that's
4 not a current employee?

5 A. Rod Benson, B-e-n-s-o-n.

6 Q. And what were his duties and
7 responsibilities with respect to the order
8 monitoring committee?

9 A. There was a time where he was
10 making the referrals to the DEA.

11 Q. And was he a member of
12 corporate security when he was making those
13 referrals?

14 A. Yes.

15 Q. Was he making them at the
16 behest of the order monitoring committee?

17 A. Yes.

18 Q. And he did that before
19 Mr. Gilbride?

20 A. Yes.

21 Q. Did he do it at the same time
22 as Mr. Gilbride as well?

23 A. No.

24 Q. Do you know whether he was
25 making those referrals when the order

1 monitoring committee was overseen by legal,
2 or did his time also include Ms. Feltz's
3 oversight?

4 A. Could you repeat the question,
5 please?

6 Q. Sure.

7 This is just trying to kind of
8 pin it in time.

9 You said that John Gilbride may
10 have straddled both when legal was overseeing
11 the order monitoring committee as well as
12 when Margaret Feltz was overseeing it.

13 A. Uh-huh.

14 Q. And can you put Mr. Benson in
15 that time frame for me?

16 A. I believe that Mr. Benson was
17 making the referrals when the order
18 monitoring team was reporting into legal.

19 Q. Okay. Was he actually a member
20 of the committee?

21 A. No.

22 Q. But he was -- he was given the
23 responsibility to make the referrals?

24 A. Yes.

25 Q. Do you know if he participated

1 in the order monitoring committee meetings,
2 or was he just given the function of the
3 reporting of the referrals?

4 A. He was given the function of
5 reporting.

6 Q. And Mr. Benson has left the
7 company?

8 A. Yes.

9 Q. Anyone else? Former employees?

10 A. No.

11 (Purdue-Geraci Exhibit 2 marked
12 for identification.)

13 QUESTIONS BY MS. CONROY:

14 Q. I'm going to mark as Exhibit 2
15 a PowerPoint, but what I'm going to do, if
16 it's okay with counsel, I'm going to write
17 the -- this is one of those native
18 productions, so I'm going to write the Bates
19 number on it.

20 Okay?

21 MR. HOFFMAN: And for the
22 record, let me just read it in, Jayne.
23 For the record, the Bates number is
24 PPLP00449246.
25

1 QUESTIONS BY MS. CONROY:

2 Q. Mr. Geraci, does this look
3 familiar to you at all, this PowerPoint that
4 says on the front "When OMS started and
5 updated"?

6 MR. HOFFMAN: And, Jayne, I'm
7 sorry, I guess while we're looking at
8 it, is there a reason why the
9 PowerPoint starts on page 4 rather
10 than on page 1?

11 Are there any potential pages
12 that are missing?

13 MS. CONROY: Yeah, I will tell
14 you this -- in Relativity, this
15 PowerPoint appears it's in an Excel
16 format, and so this is printed from an
17 Excel sheet. And so I don't know why
18 it has -- I don't know why it starts
19 with 4 or 5, but if you go -- for
20 example, when you get past 4 and 5,
21 the chart that begins with CEO --

22 MR. HOFFMAN: Right.

23 MS. CONROY: -- is a tab, is an
24 Excel tab. The algorithm which is the
25 next page is an Excel tab.

1 MR. HOFFMAN: Okay. I just
2 wanted to make sure that there weren't
3 pages that were missing or anything
4 like that, as far as you know.

5 MS. CONROY: As I said, it's in
6 an unusual format. I'll go through it
7 with the witness, and when we take a
8 break I can show you what it looks
9 like on the screen, but we did our
10 best to copy it from the Excel format
11 that it was in.

12 MR. HOFFMAN: Got it. That's
13 fine.

14 MS. CONROY: And it may even,
15 in fact, exist elsewhere as a
16 PowerPoint but without the tabs.

17 QUESTIONS BY MS. CONROY:

18 Q. Mr. Geraci, does this look at
19 all familiar to you?

20 A. No.

21 Q. Okay. Let's look at the first
22 page that says, "When OMS started and
23 updated."

24 It says here on the -- on the
25 far left, "OMS is launched in 2008."

1 Do you see that?

2 A. Yes.

3 Q. Does that sound right to you?

4 MR. HOFFMAN: Object to the
5 form.

6 THE WITNESS: I don't recall or
7 know when OMS actually started or was
8 launched.

9 QUESTIONS BY MS. CONROY:

10 Q. Okay. So that's not something
11 that you looked at in preparation for your
12 deposition, when the order monitoring system
13 was first implemented?

14 A. That is correct.

15 Q. Okay. It says that the SOP --
16 that stands for standard operating procedure,
17 or protocol, correct?

18 A. Yes.

19 Q. You're familiar with that term?

20 A. Yes. Yes, I am.

21 Q. It says, "finalized in 2009."
22 Does that sound correct to you?

23 Do you know?

24 A. That sounds correct.

25 Q. And then you'll see between

1 2008 and 2009, below the blue line it says
2 "original algorithm."

3 Do you see that?

4 A. Yes.

5 Q. Does that mean anything to you?

6 A. No.

7 Q. Do you have any understanding
8 of the algorithms that are used within the
9 order monitoring system?

10 A. Yes.

11 Q. Okay. And what is your
12 understanding -- can you describe for me
13 generally what the algorithms are for the
14 order monitoring system?

15 MR. HOFFMAN: Object to form,
16 to time frame, but if you can provide
17 a general response, that's fine.

18 THE WITNESS: As I understand
19 it generally, the algorithm is --
20 takes data that is received by Purdue
21 from certain wholesalers through a
22 Fee-For-Service agreement, which looks
23 at the distribution by those
24 wholesalers to pharmacies throughout
25 the country.

1 And then the algorithm will
2 measure that on a case-by-case basis
3 looking at periods -- period purchases
4 versus prior period purchases to try
5 to determine if there are any
6 abnormalities or things that appear to
7 be unusual or possibly suspicious.

8 QUESTIONS BY MS. CONROY:

9 Q. And that function is required
10 under the Controlled Substances Act, correct?

11 MR. HOFFMAN: Object to the
12 form.

13 THE WITNESS: I don't know if
14 that's required by the Controlled
15 Substance Act, the regulation, the
16 Controlled Substance Act.

17 QUESTIONS BY MS. CONROY:

18 Q. You don't know whether or not
19 there is a requirement for Purdue to monitor
20 for suspicious -- suspicious orders with
21 respect to pattern, frequency or size?

22 MR. HOFFMAN: Object to the
23 form.

24 THE WITNESS: I don't believe
25 that there is a regulation that

1 mandates that to the manufacturers.

2 QUESTIONS BY MS. CONROY:

3 Q. Is there a regulation that
4 mandates that to someone other than a
5 manufacturer?

6 A. I don't know.

7 MR. HOFFMAN: Object to the
8 form. Beyond the scope.

9 QUESTIONS BY MS. CONROY:

10 Q. Is it your understanding that
11 there is no governmental regulation that
12 mandates that manufacturers monitor for
13 orders of suspicious size, pattern or
14 frequency?

15 MR. HOFFMAN: Object to the
16 form. Beyond the scope.

17 THE WITNESS: You're asking me
18 for a legal interpretation. I don't
19 know of a regulation that mandates it
20 at the manufacturing level.

21 QUESTIONS BY MS. CONROY:

22 Q. Well, I'm asking you. You are
23 the vice president and chief security officer
24 of Purdue, correct?

25 A. Uh-huh.

1 Q. So you must be familiar with
2 some governmental regulations.

3 A. And the question is?

4 Q. Are you familiar with some
5 government regulations?

6 A. Yes.

7 Q. Okay. But you're not aware of
8 any regulation that would require Purdue to
9 monitor for suspicious orders?

10 A. That is correct.

11 MR. HOFFMAN: Object to the
12 form. Beyond the scope.

13 QUESTIONS BY MS. CONROY:

14 Q. Why is there an order
15 monitoring system at Purdue?

16 MR. HOFFMAN: Object to the
17 form.

18 THE WITNESS: The order
19 monitoring system at Purdue, as I
20 understand it, was created to help
21 support the distributors, wholesalers,
22 in trying to identify those pharmacies
23 whose order patterns may be unusual
24 and possibly suspicious.

25

1 QUESTIONS BY MS. CONROY:

2 Q. Why do the distributors need
3 help?

4 MR. HOFFMAN: Object to the
5 form. Beyond the scope.

6 THE WITNESS: I can't respond
7 as to why the distributors needed
8 help, but Purdue did this to help
9 support the distributors in their
10 diligence, or due diligence, in
11 reviewing pharmacy orders.

12 QUESTIONS BY MS. CONROY:

13 Q. Whose due diligence?

14 MR. HOFFMAN: Object to the
15 form. Again, beyond the scope.

16 THE WITNESS: Distributors.
17 The review that they would be doing of
18 their pharmacy -- their customers.

19 QUESTIONS BY MS. CONROY:

20 Q. Do the distributors have a
21 requirement to do due diligence with respect
22 to their pharmacies?

23 MR. HOFFMAN: Objection.

24 QUESTIONS BY MS. CONROY:

25 Q. The pharmacies that they are

1 supplying?

2 MR. HOFFMAN: I'm sorry.

3 Object to the form. Beyond the scope.

4 THE WITNESS: I can't respond
5 as to what the responsibilities are of
6 the distributors.

7 QUESTIONS BY MS. CONROY:

8 Q. But it's your understanding
9 that Purdue has that understanding?

10 MR. HOFFMAN: What
11 understanding?

12 QUESTIONS BY MS. CONROY:

13 Q. That the distributors have a
14 due diligence requirement with respect to the
15 orders to pharmacies.

16 MR. HOFFMAN: Object to the
17 form. Beyond the scope.

18 THE WITNESS: My understanding
19 is Purdue created an order monitoring
20 system to help support the
21 distributors in reviewing pharmacy
22 activity, purchases by them, to look
23 for unusual activity or potentially
24 suspicious orders.

25

1 QUESTIONS BY MS. CONROY:

2 Q. But you don't know why the
3 distributors needed that help?

4 MR. HOFFMAN: Object to the
5 form. Asked and answered.

6 THE WITNESS: I believe I
7 answered that question.

8 QUESTIONS BY MS. CONROY:

9 Q. Well, let me ask it again then.

10 A. Okay.

11 Q. Why do they need that help?

12 MR. HOFFMAN: Same objection
13 and beyond the scope.

14 THE WITNESS: I can tell you
15 why Purdue did what they did. I don't
16 know why the distributors created what
17 they did.

18 QUESTIONS BY MS. CONROY:

19 Q. You told me that Purdue did it
20 to help the distributors.

21 A. To support.

22 Q. To support the distributors?

23 A. That is correct.

24 Q. But you don't know the
25 rationale behind why Purdue did it to support

1 the distributors?

2 MR. HOFFMAN: Object to form.

3 Beyond the scope.

4 THE WITNESS: I'm saying that
5 the distributors -- I know what Purdue
6 did, and I can comment on what Purdue
7 did.

8 I cannot comment as to what the
9 distributors did or did not do.

10 QUESTIONS BY MS. CONROY:

11 Q. That's not what I'm asking you.

12 A. Okay.

13 Q. I'm asking you what was behind
14 Purdue's reasoning to develop a system to
15 support distributors?

16 A. The reasoning was created
17 obviously before I joined Purdue in 2009.

18 Q. So you don't know?

19 A. I don't know.

20 Q. What you do know is it has
21 nothing to do with any Controlled Substances
22 Act requirement?

23 MR. HOFFMAN: Object to the
24 form. Beyond the scope, and I believe
25 misstates his prior testimony.

1 THE WITNESS: I know what we
2 did at Purdue and what I was part of,
3 and it was to support the distributors
4 as best we could with the information
5 that we could garner to help them
6 identify suspicious or unusual buying
7 practices at the pharmacy level.

8 QUESTIONS BY MS. CONROY:

9 Q. Okay. And as far as you know,
10 as vice president and chief security officer
11 at Purdue, that is the entire reason for the
12 creation of the order monitoring system, to
13 support the distributors?

14 MR. HOFFMAN: Same objections.

15 THE WITNESS: That is a reason.

16 QUESTIONS BY MS. CONROY:

17 Q. What are the other reasons?

18 A. Purdue --

19 MR. HOFFMAN: Objection.

20 Beyond the scope.

21 THE WITNESS: -- wanting to
22 do -- and be a good corporate citizen,
23 did this as a means to support
24 distributors in hopefully reducing any
25 potential diversion of controlled

1 substances, in this case, Purdue
2 products.

3 QUESTIONS BY MS. CONROY:

4 Q. To reduce diversion --

5 A. Potential diversion.

6 Q. By the distributors?

7 A. No.

8 Q. By whom?

9 A. At the pharmacy level.

10 MR. HOFFMAN: Somebody may want
11 to go on mute. I think we hear a baby
12 crying, which is adorable, but it's a
13 little distracting.

14 THE WITNESS: Listen, I just
15 know it's one of my grandchildren.

16 MS. CONROY: It sounds better
17 when they cry when they're a
18 grandchild.

19 THE WITNESS: It's okay.

20 Ms. Conroy is being nice.

21 QUESTIONS BY MS. CONROY:

22 Q. If you take a look at that --
23 again, at that first page of Exhibit 2, you
24 see where it says, "DEA meetings," right in
25 the middle, "April, October and December,

1 referred 290 pharmacies to DEA"?

2 Do you see that?

3 A. Yes.

4 Q. Was that in support of the
5 distributors, the reporting to the DEA of the
6 290 pharmacies?

7 MR. HOFFMAN: Object to the
8 form.

9 THE WITNESS: I was not part of
10 that meeting, as I recall.

11 QUESTIONS BY MS. CONROY:

12 Q. Do you know anything about the
13 referral of the 290 pharmacies to the DEA in
14 2011?

15 A. I recall that there was a
16 meeting with the DEA and that pharmacies were
17 referred to the DEA based on the work
18 conducted by the OMS group.

19 Q. Do you know whether it was
20 either Mr. Benson or Mr. Gilbride that
21 reported or referred those 290 pharmacies to
22 the DEA?

23 MR. HOFFMAN: Object to form.
24 Foundation. I think it calls for
25 speculation.

1 THE WITNESS: I don't know.

2 QUESTIONS BY MS. CONROY:

3 Q. They were the two individuals
4 that you identified that were responsible for
5 referring pharmacies to the DEA, correct?

6 A. At a certain period of time.

7 Q. Do you think in 2011 there was
8 someone else responsible for those referrals?

9 MR. HOFFMAN: Object to form.
10 Calls for speculation.

11 THE WITNESS: There could have
12 been.

13 QUESTIONS BY MS. CONROY:

14 Q. You said you were not present
15 at that meeting? Is that what you said?

16 A. I don't believe so.

17 Q. Do you know anything about
18 those referrals? Were they dis -- for
19 example, were they discussed at the order
20 monitoring committee?

21 A. I don't have specific
22 recollection of that.

23 Q. Do you have any recollection of
24 that?

25 That's a lot of referrals, 290

1 referrals at one meeting.

2 Do you know anything about
3 that?

4 MR. HOFFMAN: Object to the
5 form.

6 THE WITNESS: I recall that
7 there was a meeting, and
8 representatives of Purdue met with
9 DEA, made referrals.

10 QUESTIONS BY MS. CONROY:

11 Q. Do you have any recollection
12 that it had to do with a decline in orders by
13 those 290 pharmacies?

14 MR. HOFFMAN: Object to the
15 form.

16 QUESTIONS BY MS. CONROY:

17 Q. Decline in order of Purdue
18 products?

19 A. I don't recall that.

20 Q. Do you have any recollection
21 that it was related to a tamper or
22 abuse-resistant formulation of OxyContin?

23 MR. HOFFMAN: Object to the
24 form.

25 THE WITNESS: I don't recall

1 that.

2 QUESTIONS BY MS. CONROY:

3 Q. Did you look at any documents
4 in your preparation for this deposition with
5 respect to those 290 referrals to the DEA?

6 A. No, I did not.

7 Q. Do you know how many referrals
8 have taken place to the DEA during the time
9 that you've been vice president and chief
10 security officer of Purdue?

11 A. No, I don't.

12 MR. HOFFMAN: I'm sorry. Of
13 pharmacies? Of distributors? I mean,
14 is there --

15 MS. CONROY: I'll take any.

16 THE WITNESS: I don't know how
17 many pharmacies have been referred by
18 Purdue to the DEA.

19 QUESTIONS BY MS. CONROY:

20 Q. Prior to seeing this
21 PowerPoint, would you have known that there
22 were at least 290, if this PowerPoint is
23 correct?

24 A. I wouldn't know.

25 Q. Do you know with respect to the

1 data that's kept at Purdue, could you figure
2 that out?

3 Could you -- if you went back
4 to Stamford, could you determine how many
5 times a pharmacy or a distributor or anyone,
6 a dispenser, has been referred to the DEA
7 during your tenure at Purdue?

8 MR. HOFFMAN: Object to the
9 form. It's beyond the scope.

10 THE WITNESS: I would imagine
11 that it could be pulled together, but
12 I don't know that for a fact.

13 QUESTIONS BY MS. CONROY:

14 Q. Okay. If you were to pull it
15 together, what would you ask someone to do?
16 How would they do it?

17 MR. HOFFMAN: Object to form.
18 Beyond the scope.

19 THE WITNESS: Query referrals
20 to the DEA.

21 QUESTIONS BY MS. CONROY:

22 Q. I'm sorry?

23 A. Query referrals to the DEA.

24 Q. And what would you be querying?

25 MR. HOFFMAN: Same objections.

1 THE WITNESS: Any documents

2 that refer to referrals to the DEA.

3 QUESTIONS BY MS. CONROY:

4 Q. But how would you do -- I mean,
5 are you asking your assistant to go look for
6 that, or how -- when you say "query," is it a
7 query into a database, or what do you -- how
8 are you doing it?

9 MR. HOFFMAN: I'm sorry. Same
10 objections. Beyond the scope.

11 THE WITNESS: I can comment as
12 to when corporate security made the
13 referrals. Those would have been
14 e-mail referrals. So the retrieval of
15 that information would be an e-mail
16 retrieval.

17 QUESTIONS BY MS. CONROY:

18 Q. Okay. So someone would need to
19 search Purdue e-mails from corporate security
20 to determine which of them might have been
21 actual referrals to the DEA of a pharmacy or
22 a distributor?

23 MR. HOFFMAN: Same objections.
24 Beyond the scope.

25 THE WITNESS: E-mails would

1 have to be reviewed and retrieved
2 showing referrals of pharmacies to the
3 DEA when it was done by corporate
4 security.

5 QUESTIONS BY MS. CONROY:

6 Q. And then prior to that it might
7 have been done by legal; is that correct?

8 A. Prior to corporate security
9 reporting, it would have been the
10 responsibility of someone in the legal
11 division.

12 Q. And do you have any
13 understanding how those could be collected or
14 counted?

15 A. No.

16 Q. That would be someone in legal
17 that would potentially know the answer to
18 that?

19 MR. HOFFMAN: Object to the
20 form. Beyond the scope.

21 THE WITNESS: Yes.

22 QUESTIONS BY MS. CONROY:

23 Q. Or is there an IT group or
24 somebody that would know the answer to that
25 at Purdue, other than legal?

1 MR. HOFFMAN: Same objection.

2 THE WITNESS: I don't know.

3 QUESTIONS BY MS. CONROY:

4 Q. Who would you ask specifically
5 at corporate security today, if you went back
6 to your office, to at least determine the
7 number of referrals that have taken place
8 while corporate security has been
9 responsible?

10 MR. HOFFMAN: Object to form.
11 Beyond the scope.

12 THE WITNESS: There would be no
13 one in corporate security I would go
14 to.

15 QUESTIONS BY MS. CONROY:

16 Q. Who would you go to?

17 MR. HOFFMAN: Same objection.

18 THE WITNESS: I would go to IT
19 and ask for an e-mail retrieval.

20 QUESTIONS BY MS. CONROY:

21 Q. Okay. And would you be
22 asking -- what does that mean, an e-mail
23 retrieval?

24 Would you be asking for them to
25 search particular terms or is there -- or to

1 look for a file that contained all DEA
2 referrals, or what would you be asking them
3 to do?

4 MR. HOFFMAN: Same objections,
5 and asked and answered.

6 THE WITNESS: I would be asking
7 for e-mails from the individuals in my
8 department, including myself, that
9 would reflect transmittal of a
10 referral to the DEA of a pharmacy.

11 QUESTIONS BY MS. CONROY:

12 Q. And as you sit here today,
13 you're not aware of any particular place at
14 Purdue where those referrals have been
15 collected and retained in one place so that
16 you would not have to go and search
17 everyone's e-mails?

18 A. That's right.

19 MR. HOFFMAN: Object to form.
20 Beyond the scope.

21 QUESTIONS BY MS. CONROY:

22 Q. It says here at the bottom of
23 the page, "2008 to 2012: Began
24 collaborations; focus on major wholesalers."
25 Do you have an understanding of

1 what that means, to "focus on the major
2 wholesalers"?

3 MR. HOFFMAN: Object to the
4 form. Beyond the scope.

5 THE WITNESS: That would have
6 been an effort, as I recall it, and if
7 I'm reading this correctly, to discuss
8 with the wholesalers the OMS process
9 at Purdue and to hopefully share some
10 best practices to make these systems
11 even better in identifying suspicious
12 or unusual pharmacy activity and
13 purchases.

14 QUESTIONS BY MS. CONROY:

15 Q. To make the systems better at
16 Purdue or at the wholesaler level?

17 MR. HOFFMAN: Object to the
18 form.

19 THE WITNESS: At both.

20 QUESTIONS BY MS. CONROY:

21 Q. Who would you consider the
22 major wholesalers from 2008 to 2012?

23 A. McKesson, Cardinal and ABC, or
24 Amerisource.

25 Q. And during 2008 to 2012, were

1 you in contact yourself with McKesson,
2 Cardinal and Amerisource with respect to
3 issues concerning suspicious orders?

4 A. No.

5 Q. So you had no -- you did not
6 begin collaborations with the major
7 wholesalers from 2008 to 2012; is that
8 correct?

9 MR. HOFFMAN: Object to the
10 form.

11 THE WITNESS: You said me?

12 QUESTIONS BY MS. CONROY:

13 Q. Right, you.

14 A. That is correct.

15 Q. Okay. Who did on the order
16 monitoring committee?

17 A. Jack Crowley.

18 Q. Anyone else?

19 A. And Robin Abrams.

20 Q. Jack Crowley was a former DEA
21 agent and was employed by Purdue in -- was he
22 in corporate security?

23 A. No.

24 Q. What was -- what division was
25 he in?

1 A. He was in the law department.

2 Q. And Robin Abrams is a lawyer in
3 the law department?

4 A. Yes, she was.

5 Q. When did she leave Purdue?

6 A. I don't recall.

7 MR. HOFFMAN: Was he in the law
8 department or CSA compliance? Is
9 there some distinction?

10 THE WITNESS: I'm sorry, his
11 department was called CSA, who
12 reported into law.

13 QUESTIONS BY MS. CONROY:

14 Q. What were your responsibilities
15 with respect to the OMS committee from 2008
16 to 2012, or 2009 when you began to 2012?

17 A. I was a member of the
18 committee.

19 Q. Okay. And did that remain
20 true -- does that remain true until today,
21 that you're a member of the committee?

22 A. Yes.

23 Q. And can you describe for me
24 your duties or responsibilities as a
25 committee member for the past ten years?

1 A. I had no direct
2 responsibilities.

3 Q. Why were you a member of the
4 committee?

5 A. I believe I was put on the
6 committee given my background and experience.

7 Q. If you didn't have any direct
8 responsibility, how would you describe your
9 position on the committee?

10 A. I'd say oversight role.

11 Q. And what did you oversee?

12 A. Along with other members of the
13 committee, including Ms. Abrams, the meetings
14 that we would have where the results of the
15 OMS team, the analysis that was done, would
16 be presented to the committee, and we would
17 review that.

18 Q. And those would be quarterly or
19 sometimes more often, those meetings?

20 A. I don't recall the frequency.

21 Q. They weren't every week,
22 correct?

23 A. Not to my recollection.

24 Q. Were they every month; do you
25 think?

1 A. I don't recall the frequency.

2 Q. At all?

3 A. I don't.

4 Q. Would there be a record
5 anywhere of order monitoring committee
6 meetings?

7 A. I believe that there would be
8 reports that were generated, submitted to the
9 committee for review.

10 Q. Do you know if there were
11 meeting minutes?

12 A. I believe so.

13 Q. Do you know if there were
14 minutes taken of every minute -- of every
15 meeting?

16 A. I don't know.

17 Q. Were you ever responsible for
18 the minutes?

19 A. No.

20 Q. And you would -- in your role
21 with respect to oversight, you would look at
22 reports that were prepared with respect to
23 particular pharmacies that were considered
24 suspicious?

25 MR. HOFFMAN: Object to form.

1 THE WITNESS: I would review
2 those documents.

3 QUESTIONS BY MS. CONROY:

4 Q. Did you ever help to prepare
5 any of those documents, or was your role to
6 review those documents?

7 MR. HOFFMAN: Object to the
8 form. Overly broad.

9 THE WITNESS: I don't believe I
10 was involved in any preparation of
11 those forms or those documents.

12 QUESTIONS BY MS. CONROY:

13 Q. So would you, for example, see
14 them for the first time at the order
15 monitoring committee meeting or shortly
16 before the meeting?

17 MR. HOFFMAN: Object to the
18 form.

19 THE WITNESS: I have some
20 recollection that I would review those
21 documents prior to those meetings.

22 QUESTIONS BY MS. CONROY:

23 Q. To prepare yourself for the
24 meeting?

25 A. Yes.

1 Q. And where would those meetings
2 take place?

3 A. At Stamford.

4 Q. And were they in-person
5 meetings for the most part or a telephone
6 conference, or how were they conducted?

7 A. I recall that they were
8 in-person meetings.

9 Q. And approximately how many
10 people would attend the meetings?

11 MR. HOFFMAN: Object to form.

12 Time frame.

13 THE WITNESS: I don't know.

14 The committee members would be there.

15 QUESTIONS BY MS. CONROY:

16 Q. Okay. And is that your -- is
17 that your recollection, at least for the past
18 ten years, that there would be meetings; you
19 don't recall how often they would be, but
20 when they did take place, people attended in
21 person in Stamford?

22 A. I believe so.

23 Q. Was it in a conference room
24 setup?

25 A. I believe so.

1 Q. When is the last meeting you
2 attended?

3 A. I don't recall.

4 Q. A year ago?

5 A. I don't recall.

6 Q. You have no memory at all?

7 A. It's different now. We're not
8 meeting the way we did then.

9 Q. I see.
10 When did that change?

11 A. When the responsibilities moved
12 to corporate ethics and compliance.

13 Q. Is there still an order
14 monitoring committee?

15 A. Not as such.

16 Q. So at some point you had
17 meetings, you received reports, you had, you
18 know, a person-to-person, face-to-face
19 meeting in Stamford. But at some point that
20 ended and corporate ethics and compliance was
21 involved?

22 A. Is involved.

23 Q. Is involved.

24 Do you know how long ago that
25 was, roughly?

1 I mean, are we talking a couple
2 years, a couple months?

3 A. I would say a year or more.

4 Q. Do you have any involvement
5 with respect to suspicious order monitoring
6 now that corporate ethics and compliance is
7 involved?

8 A. We are still responsible for
9 the referrals to DEA.

10 Q. And when you say "we," are you
11 talking about the order monitoring committee
12 is still responsible?

13 A. No, corporate security
14 reports -- refers -- makes the referral to
15 the DEA.

16 Q. Oh.

17 So even under the -- is it fair
18 to say that corporate ethics and compliance
19 oversees the suspicious order monitoring at
20 Purdue?

21 A. Yes.

22 Q. And corporate security remains
23 responsible for referrals to the DEA of
24 suspicious pharmacies or whomever?

25 A. Yes.

1 Q. But corporate security has no
2 other involvement, is that fair to say, with
3 respect to suspicious order monitoring other
4 than referrals to the DEA?

5 MR. HOFFMAN: Object to the
6 form.

7 THE WITNESS: I don't recall
8 specific instances, but I believe that
9 Luis Bauza still will do background
10 checks upon request of certain
11 pharmacies.

12 QUESTIONS BY MS. CONROY:

13 Q. As far as you are concerned,
14 your responsibilities with respect to
15 suspicious order monitoring now only involve
16 your oversight of Luis Bauza or oversight of
17 whoever is making referrals to the DEA
18 under -- at corporate security?

19 A. Yes.

20 MR. HOFFMAN: Object to the
21 form.

22 THE WITNESS: That is correct.

23 QUESTIONS BY MS. CONROY:

24 Q. And if you take a look from
25 "2013 to 2015, regular contacts established

1 with chains as well as wholesalers."

2 Do you know what is meant by
3 "chains" there?

4 A. I believe they're referring
5 to -- or this is referring to pharmacy
6 chains.

7 Q. And can you give me an example
8 of a pharmacy chain?

9 A. CVS.

10 Q. Do you recall that occurring
11 while you were on the order monitoring
12 committee, that there -- that contacts began
13 to be established with chains?

14 MR. HOFFMAN: Objection.

15 QUESTIONS BY MS. CONROY:

16 Q. With pharmacy chains?

17 MR. HOFFMAN: Object to the
18 form. It says "regular contacts."
19 But go ahead.

20 THE WITNESS: I recall that
21 there were contacts made with pharmacy
22 chains as well as wholesalers.

23 QUESTIONS BY MS. CONROY:

24 Q. Would you consider when you
25 talked to me earlier about Purdue supporting

1 distributors with respect to their suspicious
2 order monitoring, would you include chain
3 pharmacies in with distributors?

4 MR. HOFFMAN: Object to the
5 form. Beyond the scope.

6 THE WITNESS: As reflected
7 here, it appears that the outreach was
8 to chains to try to support them as
9 well as the wholesalers.

10 QUESTIONS BY MS. CONROY:

11 Q. And do you know if it was
12 done -- if Purdue did that in the same manner
13 it supported wholesalers?

14 MR. HOFFMAN: Object to the
15 form.

16 THE WITNESS: Did what? I'm
17 sorry.

18 QUESTIONS BY MS. CONROY:

19 Q. Supported their suspicious
20 order monitoring.

21 MR. HOFFMAN: Object to the
22 form. It's vague.

23 THE WITNESS: I don't think
24 that the level of support was at the
25 same level as it was with the

1 wholesalers and distributors.

2 QUESTIONS BY MS. CONROY:

3 Q. And why do you think that?

4 MR. HOFFMAN: Object to the
5 form.

6 THE WITNESS: Because the
7 wholesalers --

8 MR. HOFFMAN: Sorry. Beyond
9 the scope.

10 Go ahead. Go ahead.

11 THE WITNESS: The wholesalers
12 and the distributors are our
13 customers.

14 QUESTIONS BY MS. CONROY:

15 Q. And the pharmacies are not your
16 customers; is that what you mean? Is that
17 the distinction you're drawing?

18 A. The wholesalers and
19 distributors are our customers.

20 Q. Right.

21 A. We sell our products to the
22 wholesalers and distributors.

23 Q. Okay. And so your -- you feel
24 you have -- you owe more support to the
25 distributors than you do to the chain

1 pharmacies because the distributors and the
2 wholesalers are your customers?

3 MR. HOFFMAN: Object to the
4 form. Beyond the scope.

5 THE WITNESS: No. What I'm
6 saying is the order monitoring system,
7 and with the information -- the
8 information that we acquire --

9 Excuse me, I'm going to sneeze.

10 QUESTIONS BY MS. CONROY:

11 Q. Bless you.

12 A. Thank you.

13 -- and the information we
14 receive which we acquire from the wholesalers
15 allows us the insight to -- a certain level
16 of insight, because they're absolutely not
17 perfect -- it allows us to see the movement
18 of product to the chains or to the other
19 pharmacies.

20 The pharmacies are moving
21 product to individuals, to patients, and
22 there's no insight into that type of
23 information.

24 Q. I see.

25 Have you ever asked, if you

1 know, a distributor or wholesaler if they had
2 insight into the information available to the
3 pharmacy with respect to patients or
4 prescribers?

5 MR. HOFFMAN: Object to the
6 form.

7 THE WITNESS: No, I don't know.

8 MS. CONROY: Good time for a
9 break.

10 VIDEOGRAPHER: Okay.

11 THE WITNESS: Microphones off?

12 VIDEOGRAPHER: Yes. The time
13 is 10:17. Off the record.

14 (Off the record at 10:17 a.m.)

15 VIDEOGRAPHER: Okay. We are
16 back on the record. The time is
17 10:27 a.m.

18 QUESTIONS BY MS. CONROY:

19 Q. Mr. Geraci, when you were a
20 member of the order monitoring committee, and
21 I'm particularly talking about the time when
22 there were actual meetings that you attended,
23 did the committee vote?

24 MR. HOFFMAN: Object to form.
25 It's overly broad.

1 But go ahead.

2 THE WITNESS: Yes.

3 QUESTIONS BY MS. CONROY:

4 Q. And what types of -- for what
5 reason did you vote, or what were you voting
6 about?

7 A. The voting would involve coming
8 to a conclusion or to a position with regard
9 to certain pharmacies, as we would go through
10 the documents, and the vote would be to
11 either, at that time, to refer a pharmacy to
12 the DEA, to continue to -- the inquiry into
13 the pharmacy's buying practices and other
14 information, or to possibly close out an
15 inquiry for a number of reasons.

16 Q. And so the committee would --
17 would it be fair to say in general that when
18 you would be looking at a particular pharmacy
19 and you'd have materials with respect to what
20 was known about that pharmacy, that at the
21 end of the discussion about that pharmacy
22 there would be a vote to either refer the
23 pharmacy to the DEA, to continue inquiry into
24 that pharmacy, or to close the inquiry
25 entirely?

1 A. That would be fair to say.

2 Q. Approximately how many
3 pharmacies would be discussed at a board
4 meeting?

5 MR. HOFFMAN: Object to the
6 form.

7 THE WITNESS: So first, these
8 are not board meetings. It's a
9 committee --

10 QUESTIONS BY MS. CONROY:

11 Q. I'm sorry, committee.

12 A. Committee meeting.

13 And I -- as I stated before, I
14 don't recall.

15 Q. How long would the meetings
16 last?

17 A. I don't recall.

18 Q. Did they go for more than a
19 day?

20 A. I don't believe so.

21 Q. Who would present with respect
22 to a particular pharmacy?

23 Were there -- were there
24 different people that talked about different
25 pharmacies, or how did it work?

1 A. The starting presentation would
2 be the presentation of the results of the
3 inquiry in the broadest sense up to that time
4 and would be presented by usually one of the
5 members of the OMS committee. And that
6 was -- that's what would start the
7 discussion.

8 Q. Did you ever present with
9 respect to a particular pharmacy?

10 A. I have no recollection that I
11 did.

12 Q. Do you have any recollection of
13 presentations about a particular prescriber
14 or a particular doctor who was also
15 dispensing Purdue product as opposed to just
16 a pharmacy?

17 MR. HOFFMAN: Object to the
18 form.

19 THE WITNESS: I have no
20 recollection of that.

21 QUESTIONS BY MS. CONROY:

22 Q. So your recollection is the
23 presentations concerned pharmacies?

24 MR. HOFFMAN: Object to the
25 form.

1 THE WITNESS: That would be my
2 recollection.

3 QUESTIONS BY MS. CONROY:

4 Q. Did you ever have any
5 discussions at the committee about how those
6 pharmacies were selected for inquiry or
7 investigation?

8 A. Yes.

9 Q. Do you know how they were
10 selected?

11 A. They would have been selected
12 based on the various data points or
13 information that was available to the
14 individuals of the committee that were doing
15 the actual analytical work prior to these
16 meetings, and that would have included FFS,
17 Fee-For-Service, data purchased by the
18 wholesaler -- from the wholesalers.

19 Q. Were you ever involved in any
20 discussions at the committee about what data
21 points should be used for that analysis, or
22 was that something that happened outside of
23 the committee?

24 A. That would happen by a
25 committee member that was actually reviewing

1 and analyzing the data that was available.

2 Q. Did you ever have anything to
3 do with suggesting or reviewing the data
4 points that that committee member was using
5 to analyze the Fee-For-Service data?

6 A. Yes.

7 MR. HOFFMAN: Object -- object
8 to the form.

9 THE WITNESS: Yes.

10 QUESTIONS BY MS. CONROY:

11 Q. And how did that occur?

12 A. My suggestion or recommendation
13 at some point was to -- for the committee to
14 consider, along with its other work, review
15 of data, in this case FFS data, in two
16 particular counties in the state of Florida.

17 Q. And did the committee take your
18 recommendation?

19 A. Yes.

20 Q. Is that the only time that you
21 made a recommendation with respect to data
22 points that should be analyzed?

23 MR. HOFFMAN: Object to the
24 form.

25 THE WITNESS: I believe so.

1 QUESTIONS BY MS. CONROY:

2 Q. Do you know any of the nuts and
3 bolts of how they did that, or was it you
4 said I think we should look into those two
5 counties in Florida, and you left it to the
6 committee member to figure out how exactly
7 that would be done with the FFS data?

8 A. I recall leaving it to a
9 committee member to pull that information
10 together.

11 Q. So you weren't -- you weren't
12 the person that would figure out how to write
13 whatever query into whatever database
14 contained the Fee-For-Service data; is that
15 fair?

16 A. I would not be that person.

17 Q. Who was the committee member
18 that you're thinking about that would have
19 done that?

20 A. Steve Seid.

21 Q. And he was part of the
22 national accounts division or department?

23 A. Yes.

24 Q. Did you yourself ever have
25 occasion to go into the OMS database?

1 Or let me ask you: Do you
2 know -- have you ever heard of the OMS
3 database?

4 A. Yes.

5 Q. Okay. And did you ever have
6 occasion to use the OMS database yourself?

7 A. No.

8 Q. Do you know if you had access
9 to it?

10 A. I don't know.

11 Q. Okay. So it's fair to say it's
12 not -- you didn't have it on your monitor
13 somewhere in your office or you weren't
14 working within the database?

15 A. Yes.

16 Q. Okay. Have you ever seen the
17 database?

18 A. No.

19 Q. Have you ever seen a
20 Fee-For-Service database or chargeback
21 database or any 867 data on a monitor as part
22 of a database?

23 MR. HOFFMAN: Object to the
24 form.

25 THE WITNESS: No.

1 QUESTIONS BY MS. CONROY:

2 Q. Do you work with any databases
3 as vice president and chief security officer
4 at Purdue?

5 MR. HOFFMAN: Are you asking
6 him currently or historically?

7 MS. CONROY: Well, I'm asking
8 him just generally and then depending
9 on the answer.

10 THE WITNESS: No.

11 QUESTIONS BY MS. CONROY:

12 Q. When you were sitting on the
13 order monitoring committee and particular
14 pharmacies were selected for review, did you
15 have an understanding, do you know, at the
16 time of what they had triggered to bring them
17 to your attention?

18 A. Yes, I had an understanding.

19 Q. And -- strike that.

20 Is that because it would have
21 been explained in the papers that were
22 provided to you about the pharmacy, what had
23 brought it to the attention of the committee?

24 A. Yes.

25 Q. If you take a look at -- go in

1 a few pages and you'll see -- look like this.

2 MR. HOFFMAN: And, Jayne, I
3 don't know if we've corrected it yet.
4 Should we correct for the record the
5 Bates number?

6 MS. CONROY: Oh, I'm sorry, we
7 should. This Exhibit 2, the -- we've
8 corrected it on the exhibit. The
9 Bates number is PPLP004449246. We
10 were missing a 4 earlier. I fixed it
11 on the exhibit, yeah.

12 MR. HOFFMAN: Okay.

13 QUESTIONS BY MS. CONROY:

14 Q. It says on the top of that
15 page, "Different algorithms and metrics used
16 throughout the years to identify outlier
17 accounts for review."

18 Do you see that?

19 A. Yes.

20 Q. Would it be fair to say that
21 while you appreciated that there was
22 something running in the database to identify
23 particular pharmacies for investigation, you
24 would not be familiar with the actual
25 algorithms?

1 A. Yes.

2 Q. If you take a look, it says,
3 "From 2009 to 2010, original algorithm
4 outliers," and then there's a list, "total
5 volume of Purdue product orders, percentage
6 of OxyContin," et cetera.

7 Would you have had anything to
8 do with developing those parameters or data
9 points, or was that done by the committee
10 member that was Steve Seid, responsible for
11 the analysis?

12 MR. HOFFMAN: Object to the
13 form.

14 If you know.

15 THE WITNESS: Ms. Conroy, could
16 you repeat the question, please?

17 QUESTIONS BY MS. CONROY:

18 Q. Sure.

19 Do you see -- do you see the
20 six original algorithm outliers --

21 A. Yes.

22 Q. -- there?

23 Would you have had anything to
24 do with the determination of what those six
25 original algorithm outliers should be, or is

1 that something that was left to Stephen Seid
2 to determine?

3 MR. HOFFMAN: Object to the
4 form.

5 THE WITNESS: I don't recall
6 that I had anything to do with this.

7 QUESTIONS BY MS. CONROY:

8 Q. If you look further down, "2009
9 to current, additional sources to identify
10 pharmacies for review," do you see that
11 section?

12 A. Yes.

13 Q. And then there are four areas.
14 One reports of concern by sales reps.

15 Do you see that?

16 A. Yes.

17 Q. Have you ever heard of a report
18 of concern?

19 A. Yes.

20 Q. Would it have been your
21 decision to review reports of concern, or
22 would it have been someone else on the
23 committee that suggested they be reviewed?

24 MR. HOFFMAN: Object to the
25 form.

1 THE WITNESS: I don't recall.

2 QUESTIONS BY MS. CONROY:

3 Q. It says, "Accounts referenced
4 during calls received by ethics hotline
5 operators."

6 Do you see that?

7 A. Yes.

8 Q. Do you know whose idea that was
9 to look at the ethics hotline?

10 A. No, I don't.

11 Q. Okay. Do you have any
12 recollection of ever seeing call notes or
13 messages from the ethics hotline operators?

14 A. Concerning pharmacies?

15 Q. Right. I'm only talking about
16 within the context of the order monitoring
17 committee.

18 A. I have no recollection of that.

19 Q. And then if you look "from 2010
20 to 2012, updated algorithm, post-
21 reformulation," do you have an understanding
22 of what that means, "post-reformulation"?

23 A. Yes.

24 Q. What does that mean?

25 A. It means after we reformulated

1 OxyContin to make -- to have it have the
2 abuse-deterrent technology and properties.

3 Q. And why were the algorithms
4 updated after the reformulation of OxyContin?

5 MR. HOFFMAN: Object to the
6 form. Beyond the scope.

7 THE WITNESS: I don't recall
8 why. I don't recall.

9 QUESTIONS BY MS. CONROY:

10 Q. Do you know anywhere that that
11 decision -- or strike that.

12 Who at the company would know
13 why the algorithm was updated after OxyContin
14 was reformulated, if you don't remember?

15 A. I just -- I don't recall who
16 would know. I'm going to guess it would be
17 the chairman of the committee.

18 Q. Okay. And whoever the chairman
19 was at that point from 2010 to 2012 when
20 OxyContin was reformulated?

21 A. I believe that that would be
22 the person that would know.

23 Q. Okay. And do you recall who
24 the chairman was at that point?

25 A. Yes.

1 Q. And who was it?

2 A. Robin Abrams.

3 MR. HOFFMAN: I will note for
4 the record I think Stephen Seid and
5 Jack Crowley has already testified
6 about that issue.

7 MS. CONROY: About the
8 algorithm change?

9 MR. HOFFMAN: Correct.

10 QUESTIONS BY MS. CONROY:

11 Q. Do you see the fifth line down,
12 "Evaluate whether geographically located near
13 prescribers of concern"?

14 Do you see that?

15 A. Yes.

16 Q. Do you have an understanding of
17 what that means with respect to the data
18 analysis after the OxyContin reformulation?

19 A. Yes, I have an understanding.

20 Q. Okay. And what is your
21 understanding?

22 A. That this would have been
23 another data point or source of information
24 that would be evaluated by those individuals
25 on the OMS team that were conducting the

1 actual inquiries.

2 Q. And that would have been a data
3 point looking for a decrease in oxy -- or a
4 decline in OxyContin orders?

5 MR. HOFFMAN: Object to the
6 form.

7 THE WITNESS: "Evaluated
8 whether geographically located near
9 prescribers of concern."

10 Could you repeat your question,
11 please?

12 QUESTIONS BY MS. CONROY:

13 Q. Well, I'm trying -- I heard
14 what you said --

15 A. Uh-huh.

16 Q. -- it would be another data
17 point. But what would be -- what would be
18 the relevance of a data point concerning
19 whether geographically located near
20 prescribers of concern? What is the data --
21 what are you looking for?

22 A. So looking at this statement
23 here, this would be looking at those
24 pharmacies that may be located near
25 prescribers where there's concern about those

1 prescribers' dispensing practice -- not
2 dispensing, I'm sorry, prescription practices
3 involving our products.

4 Q. And so you'd be looking at data
5 with respect to prescribing practices by
6 certain prescribers, correct?

7 A. Not the OMS team.

8 Q. Who would be doing that?

9 A. There was a different
10 department that looked at prescribers, or a
11 different group.

12 Q. So would a data point come from
13 that different group with respect to
14 prescribing practices?

15 A. Yes.

16 Q. Do you know what that would be
17 called, or was there a -- was that marketing
18 that did that, marketing and sales?

19 A. Not to my knowledge.

20 Q. Where would that data come from
21 with respect to prescribing habits or
22 prescribing data of particular doctors?

23 A. The data -- to answer your
24 question, the data would come from, as I
25 understand it, IMS data.

1 Q. And so the IMS data would tell
2 you whether or not prescribers of concern,
3 doctors that were prescribing Purdue
4 products, were near pharmacies that you were
5 looking at that were suspicious?

6 MR. HOFFMAN: Object to the
7 form.

8 THE WITNESS: I don't believe
9 that IMS data would show that.

10 QUESTIONS BY MS. CONROY:

11 Q. No, I understand that, but it
12 looks like there's a connection being made
13 here.

14 You're evaluating whether the
15 pharmacies are geographically located near
16 prescribers of concern --

17 A. Right.

18 Q. -- correct?

19 A. That's correct.

20 Q. So the prescribers of concern,
21 those data points come from the IMS data,
22 correct?

23 A. I believe so.

24 Q. And the suspicious pharmacies
25 and where they're located geographically,

1 that's coming from the Fee-For-Service data?

2 A. I believe so.

3 Q. So the OMS committee was
4 looking at both of those data points to
5 evaluate whether or not certain pharmacies
6 were geographically situated near prescribers
7 of concern?

8 A. The OMS committee, or those
9 individuals that were conducting the
10 investigation for the OMS committee, as
11 reflected here, would evaluate -- would have
12 information received from another
13 organization or department within the company
14 that would reflect doctor prescribing
15 practices and would use that information --
16 would receive it and use it as part of the
17 evaluation and inquiry process.

18 Q. Do you know if that was done
19 only with respect to the updated algorithm
20 post-reformulation of OxyContin?

21 A. I don't know that.

22 Q. Do you have any -- other than
23 looking at this page, do you have any
24 independent memory of that taking place?

25 A. No, I do not.

1 Q. Right below that it says,
2 "Adjust threshold, 350,000, to review
3 significant accounts."

4 Do you see that?

5 A. Yes.

6 Q. Do you know if that was a
7 movement up or down from what had previously
8 been the threshold?

9 A. I don't know. I don't recall.

10 Q. If you look on the next page,
11 it says, "2014 to 2015, additional metrics to
12 identify pharmacies for review."

13 Do you see that?

14 A. Yes, I do.

15 Q. It says, "The OMS committee
16 requested to concentrate on accounts that met
17 the algorithm in two specific hotspots area,
18 the state of Georgia and Tennessee."

19 Do you see that?

20 A. Yes.

21 Q. Would that also have been Steve
22 Seid that would be the individual that would
23 go back and collect the data points for
24 hotspots Georgia and Tennessee?

25 MR. HOFFMAN: Object to form.

1 Foundation.

2 THE WITNESS: I don't know who
3 would have done that.

4 QUESTIONS BY MS. CONROY:

5 Q. Are you familiar with the order
6 monitoring system SOP, standard operating
7 protocol, or process?

8 A. I am familiar with it.

9 Q. Did you help to write it?

10 A. No.

11 Q. Have you ever assisted in
12 revising it or updating it?

13 A. I don't recall.

14 Q. I think you told me you have
15 not been on the OMS database, but let me
16 just -- if you'd continue on in this document
17 to a page that looks like this with a lot of
18 gray.

19 MR. LAFATA: Still Exhibit 2?

20 MS. CONROY: Yes.

21 QUESTIONS BY MS. CONROY:

22 Q. Does that -- it looks like to
23 me -- this was a tab on the Excel
24 spreadsheet. This looks like a screenshot of
25 a database.

1 Is it familiar to you at all?

2 A. No.

3 Q. Then if you turn the page, and
4 there's another what appears to me to be a
5 screenshot.

6 It says "OMS statistics"?

7 A. Uh-huh.

8 Q. Does that look familiar to you
9 at all?

10 A. No.

11 Q. Would you ever see printed-out
12 spreadsheets or runs of OMS statistics at the
13 board -- at the committee meetings?

14 A. I don't recall ever seeing
15 anything like that.

16 Q. And if you go to the final
17 page, which is "OMS measures of
18 effectiveness, MOE," is that familiar to you
19 at all, a measure of effectiveness of the
20 order monitoring system?

21 MR. HOFFMAN: Object to the
22 form. Beyond the scope.

23 THE WITNESS: I've read this
24 now, and your question, Ms. Conroy?

25

1 QUESTIONS BY MS. CONROY:

2 Q. Are you familiar with this at
3 all? Did you ever discuss measures of
4 effectiveness of the order monitoring system
5 or have anything to do with MOE, or measures
6 of effectiveness?

7 A. Well, that's three different
8 questions, so I'll say this is -- this is
9 familiar to me.

10 Q. In what respect is it familiar
11 to you?

12 From reviewing the papers that
13 would be collected with respect to a
14 particular pharmacy or more generally?

15 A. This is -- I'm generally
16 familiar with this.

17 Q. Generally outside of the order
18 monitoring committee, or are you generally
19 familiar with it as part of the order
20 monitoring committee?

21 A. As part of the order monitoring
22 committee.

23 Q. And why was a measure of
24 effectiveness used?

25 MR. HOFFMAN: Object to the

1 form. Beyond the scope.

2 THE WITNESS: I don't -- I
3 don't remember specifically why we
4 decided to use a measure of
5 effectiveness.

6 QUESTIONS BY MS. CONROY:

7 Q. Okay. Is the numbering system
8 the measure?

9 So 5 is a referral to the DEA?

10 A. I don't know that.

11 MR. HOFFMAN: Object to the
12 form. Beyond the scope.

13 QUESTIONS BY MS. CONROY:

14 Q. You can put that exhibit away.
15 Are you familiar with any of
16 the SOPs, other than the order monitoring
17 SOP?

18 MR. HOFFMAN: Object to the
19 form. Overly broad.

20 THE WITNESS: I don't
21 understand the question.

22 (Purdue-Geraci Exhibit 3 marked
23 for identification.)

24 QUESTIONS BY MS. CONROY:

25 Q. Okay. Let me show you what

1 I've marked as Exhibit 3. Exhibit 3 is a
2 finance and accounting standard operating
3 procedures manual with a revision date of
4 March 12, 2003, and it's SOP number 7.7.

5 And the objective is to define
6 the system for monitoring and disclosing
7 suspicious orders of controlled substances.

8 Mr. Geraci, as a member of the
9 order monitoring committee, were you familiar
10 with SOP 7.7 at any point during your tenure?

11 A. I have no recollection of being
12 aware of this specific SOP.

13 Q. If you look at Section 2, the
14 introduction, it says, "Drug Enforcement
15 Administration, DEA, regulations 21 CFR
16 1301.74, require all DEA registrants that
17 distribute controlled substance products to
18 maintain a system to disclose suspicious
19 orders of controlled substances."

20 Do you see that?

21 A. Yes.

22 Q. Were you familiar with that
23 requirement?

24 A. Yes.

25 Q. Yet at the beginning of this

1 deposition you told me that there was no
2 requirement for Purdue to maintain a system
3 to disclose suspicious orders of controlled
4 substances; is that correct?

5 MR. HOFFMAN: Object to the
6 form. I think it misstates his
7 testimony.

8 But go ahead and clarify, if
9 you can.

10 THE WITNESS: What I believe I
11 said was, I don't recall that there
12 was a specific DEA regulation that
13 mandated the creation of an order
14 monitoring system, all right, by the
15 manufacturers.

16 QUESTIONS BY MS. CONROY:

17 Q. Does SOP 7.7 have it wrong?

18 A. I can't give you a legal
19 interpretation or who actually -- who
20 actually wrote this document.

21 Q. But you weren't -- it's still
22 your testimony that you do not believe a
23 manufacturer has any requirement to maintain
24 a system to disclose suspicious orders of
25 controlled substances?

1 MR. HOFFMAN: Object to form.

2 Beyond the scope.

3 THE WITNESS: To the best of my
4 knowledge, I am unaware of any
5 specific regulation that requires the
6 manufacturers to do such.

7 QUESTIONS BY MS. CONROY:

8 Q. And that has been your
9 understanding since you joined Purdue?

10 MR. HOFFMAN: Object to the
11 form. Beyond the scope.

12 THE WITNESS: That is my
13 understanding.

14 QUESTIONS BY MS. CONROY:

15 Q. Do you know if Purdue is a DEA
16 registrant? Do you know one way or the
17 other?

18 A. Yes.

19 Q. And are they?

20 A. Yes.

21 Q. But as far as you know, you
22 have not seen SOP 7.7 before?

23 A. I have no recollection of ever
24 seeing this SOP.

25 Q. You can put that one away.

1 Are you familiar at all with
2 the procedures in the national accounts
3 department with respect to the receipt of
4 orders from distributors or wholesalers with
5 respect to triggering a suspicious order
6 because of size, frequency or pattern?

7 MR. HOFFMAN: Objection.

8 QUESTIONS BY MS. CONROY:

9 Q. That's before the order is
10 filled.

11 MR. HOFFMAN: Sorry.

12 QUESTIONS BY MS. CONROY:

13 Q. Are you familiar with that
14 trigger?

15 MR. HOFFMAN: Sorry. Object to
16 form.

17 THE WITNESS: No.

18 QUESTIONS BY MS. CONROY:

19 Q. Did you understand what I was
20 talking about?

21 A. Yes.

22 Q. And then I take it you have
23 never had any conversations with Stephen Seid
24 or Mr. Berjanski {phonetic} about suspicious
25 order triggers when the order actually comes

1 into Purdue before the order is filled?

2 A. I don't recall having specific
3 discussions with Mr. Seid or Mr. Berjanski
4 about that.

5 Q. Okay. Do you recall any
6 conversations with anyone about that?

7 A. I don't recall any specific
8 conversations.

9 Q. Do you recall ever generally
10 discussing the concept of there being a
11 trigger with respect to the size, frequency
12 or pattern of an order that is received by
13 Purdue?

14 A. I recall discussion at
15 committee meetings where this would be
16 discussed.

17 Q. And what do you recall about
18 that?

19 A. That this group, national
20 account group, would -- that there was a
21 review that would be conducted of orders at
22 their level looking for large or unusual
23 orders during any given time.

24 Q. And was there any discussion
25 about what was done with those orders,

1 whether they were filled or not?

2 A. I don't recall any specific
3 discussions about that.

4 Q. Was there any discussion about
5 the connection between filling the order to
6 the distributor and pharmacies of suspicion
7 that that distributor was supplying?

8 MR. HOFFMAN: Object to form.

9 THE WITNESS: I don't recall
10 any specific discussions.

11 (Purdue-Geraci Exhibit 4 marked
12 for identification.)

13 QUESTIONS BY MS. CONROY:

14 Q. I'm going to mark as
15 Exhibit 4 -- I've marked as Exhibit 4 the
16 Purdue SOP 0007, which is the order
17 management system, dated March 23rd of 2009.

18 Are you familiar, have you seen
19 this SOP before?

20 A. Yes.

21 Q. If you look at the bottom, the
22 second to last paragraph that starts, "We
23 recognize that pertinent regulations require
24 that registrants inform the local DEA field
25 division office of suspicious orders when

1 discovered by the registrant."

2 Do you see that?

3 A. Yes.

4 Q. I think you told me earlier
5 today that as far as you know reports are
6 made to DEA headquarters, correct?

7 A. When I was involved with the
8 committee, our reports were to DEA
9 headquarters.

10 Q. At the OMS committee meetings,
11 was there ever any discussion concerning
12 whether orders that came into Purdue from the
13 distributors that were of a suspicious size,
14 pattern or frequency should be reported to
15 the DEA?

16 MR. HOFFMAN: Object to the
17 form.

18 QUESTIONS BY MS. CONROY:

19 Q. And was that ever a subject of
20 conversation at the OMS committee?

21 MR. HOFFMAN: Object to the
22 form. Overly broad.

23 THE WITNESS: I don't recall
24 any specific time when that was
25 discussed.

1 QUESTIONS BY MS. CONROY:

2 Q. Do you recall any discussion
3 about that at any point during your time at
4 Purdue, not necessarily at an order
5 monitoring committee?

6 MR. HOFFMAN: Same objections.

7 THE WITNESS: I don't recall
8 any specific time when that was
9 discussed.

10 QUESTIONS BY MS. CONROY:

11 Q. Do you recall any discussion,
12 not necessarily this specific time, about
13 that topic?

14 MR. HOFFMAN: Same objections.

15 I believe it's beyond the scope.

16 THE WITNESS: I don't recall
17 any specific discussion concerning it.
18 I don't recall.

19 QUESTIONS BY MS. CONROY:

20 Q. Take a look on the second page.
21 It says, "The factors considered at present,
22 subject to modification as needed or based
23 upon experience gained through this program,
24 include," and then there's A through E.

25 Do you see that?

1 A. Yes.

2 Q. Do you see E, "Percentage of
3 80-milligram strength being purchased"?

4 Do you see that section?

5 A. Yes.

6 Q. And why, if you know, was that
7 factor considered by the order monitoring
8 system?

9 MR. HOFFMAN: Object to the
10 form. Beyond the scope.

11 THE WITNESS: I believe that
12 the reason for the 80-milligram
13 strength being on there was because
14 that was our highest dosage, would be
15 the 80-milligram.

16 QUESTIONS BY MS. CONROY:

17 Q. And so why would the highest
18 dosage be on there?

19 MR. HOFFMAN: Same objection.

20 THE WITNESS: For the potential
21 of potential diversion and/or abuse.
22 That would be my -- that would be my
23 assumption.

24 QUESTIONS BY MS. CONROY:

25 Q. Was it your understanding that

1 the 80-milligram strength was abused or
2 diverted more often or less often?

3 MR. HOFFMAN: Same objections.

4 THE WITNESS: I don't recall
5 looking at or seeing -- I don't recall
6 seeing data that would suggest that.

7 QUESTIONS BY MS. CONROY:

8 Q. Do you know why it was
9 considered one of the factors?

10 Did you have anything to do
11 with that, or was it just one of the factors
12 when you arrived?

13 A. This was one of the factors
14 when I arrived.

15 Q. If you go to the final page.

16 A. (Witness complies.)

17 Q. You were talking to me earlier
18 about the two individuals charged with the
19 actual referrals to the DEA of suspicious
20 pharmacies.

21 Do you recall that testimony?

22 A. Yes.

23 Q. And the suspicious order
24 monitoring -- I'm sorry. The order
25 management system SOP says that -- at the

1 very bottom, "CC, Documentation. All contact
2 with DEA, either by telephone or in person,
3 should be documented, and a record of the
4 contact should be maintained."

5 Do you see that?

6 A. Yes.

7 Q. Is it your testimony that the
8 e-mail from Mr. McBride {sic} or Mr. Benson
9 or maybe someone else charged with referrals
10 to the DEA is, in fact, that written
11 documentation?

12 MR. HOFFMAN: Object to the
13 form. And time frame.

14 THE WITNESS: So your question
15 is?

16 QUESTIONS BY MS. CONROY:

17 Q. We talked earlier today about
18 how we would know the number of pharmacies
19 over the years that have been referred to the
20 DEA by Purdue, and you told me that you
21 would -- the way -- you didn't know the
22 answer, but if you needed to find out the
23 answer, there would be a search of e-mails by
24 particular individuals who were charged with
25 referring pharmacies to the DEA.

1 Do you recall that?

2 A. Yes.

3 Q. Does that sound right to you,
4 the way I just recited it?

5 MR. HOFFMAN: Object to the
6 form.

7 THE WITNESS: As of a
8 particular period in time, yes.

9 QUESTIONS BY MS. CONROY:

10 Q. Okay. It's not the case right
11 now, correct? Someone else is in charge?

12 A. I testified earlier that we
13 still make the referrals to the DEA,
14 corporate security.

15 Q. Okay. When you were just
16 making the comment about time, do you mean
17 when it was part of legal it may have been
18 done in a different way?

19 A. It may have been.

20 Q. Okay. But as far as you
21 understand, at least as of the date of March
22 23, 2009, of this SOP, there needed to be
23 some documentation, correct?

24 A. That's what this SOP reflects.

25 Q. And is it your understanding

1 that the e-mail would be such documentation?

2 MR. HOFFMAN: Object to the
3 form.

4 THE WITNESS: My interpretation
5 would be that the e-mails that I
6 referenced earlier and now would be
7 that type of documentation.

8 QUESTIONS BY MS. CONROY:

9 Q. Okay. Did you yourself ever
10 have any contact with DEA?

11 A. Yes.

12 Q. Okay. And for what purposes?

13 A. There was and there would be a
14 period of time where some of the referrals
15 were actually sent by me.

16 Q. And how would they have been
17 sent?

18 A. Via e-mail.

19 Q. Did you ever have any telephone
20 or in-person conversations with DEA?

21 A. The DEA is a big agency. Can
22 you be more specific?

23 Q. Well, I take it then your
24 answer is yes?

25 A. No, I'd like you to be more

1 specific.

2 Q. During your time at Purdue,
3 have you ever had occasion to have an
4 in-person or telephone conversation with
5 anyone at DEA?

6 A. Yes.

7 Q. Have you ever had occasion to
8 have a conversation in person or by telephone
9 with DEA concerning suspicious orders?

10 A. Yes.

11 Q. On what occasions did that
12 occur?

13 A. I don't recall.

14 Q. Were there many?

15 A. I don't recall.

16 Q. Do you recall if there was more
17 than one?

18 MR. HOFFMAN: Are you asking
19 about orders or pharmacies or both,
20 Jayne? Maybe that will clarify it a
21 little bit.

22 MS. CONROY: I'm not sure what
23 you mean. I've asked about if there
24 were any conversations with DEA with
25 respect to suspicious orders.

1 THE WITNESS: Yes.

2 QUESTIONS BY MS. CONROY:

3 Q. And -- but you don't recall
4 when or how many?

5 A. I don't recall.

6 Q. You don't recall when those
7 occurred, correct?

8 A. Or how many.

9 Q. Or how many.
10 Do you recall if there was more
11 than one?

12 A. I would assume that there would
13 be more than one.

14 Q. And why would you assume that?

15 A. I've been with the company for
16 ten years.

17 Q. So would it have been routine
18 for you to have conversations with DEA?

19 A. In the -- in the -- in the
20 scope of my law -- my job, I have discussion
21 with agents from various agencies, not only
22 DEA, separate and apart from just order
23 monitoring.

24 Q. Okay. But I'm only talking
25 about DEA.

1 A. Uh-huh.

2 Q. And I'm only talking about
3 order monitoring or suspicious orders.

4 A. Okay.

5 Q. That area.

6 A. Correct.

7 Q. Okay?

8 And you have no recollection
9 sitting here today of whether or not you had
10 conversations, how many or when?

11 A. I don't recall how many or
12 when.

13 Q. Do you have any memory of why
14 you would have had conversations with DEA
15 about suspicious orders or order monitoring?

16 A. Do I have any idea? The only
17 idea that I can think of directly related to
18 this area would be when we were first,
19 corporate security, sending the referrals to
20 the DEA to ask, "Is this enough information?
21 Is this what you need?"

22 And then after that, I don't
23 recall any conversations. As I recall it,
24 the information transmitted in this area was
25 done via e-mail.

1 Q. Okay. So just to make sure I
2 understand what you just said. Early on in
3 the process when you were responsible for
4 referrals to the DEA of suspicious pharmacies
5 or whomever, you may have had some
6 conversations with DEA around those
7 submissions to be sure that it was being
8 submitted properly or they didn't need more
9 information or whatever surrounded that
10 referral?

11 MR. HOFFMAN: Object to the
12 form.

13 THE WITNESS: Some of that,
14 yes.

15 As I -- you asked me to recall.
16 What I would assume happened would
17 have been in the early stages of us
18 doing this, ensuring that is this the
19 information and the format the way
20 that you want it.

21 QUESTIONS BY MS. CONROY:

22 Q. Okay. But it concerned the
23 actual referral -- an actual referral?

24 A. That is correct.

25 Q. And early days would be early

1 when you joined Purdue?

2 A. No, this would have been when
3 corporate security assumed the responsibility
4 of making the actual referrals to the Drug
5 Enforcement Administration.

6 Q. I see.

7 So after legal, when you
8 became -- or when your department became
9 responsible, that's the time frame you're
10 talking about?

11 A. That's correct.

12 Q. Did you or do you have a copy
13 of this SOP in your own files in your office?

14 A. I might.

15 Q. Would this Exhibit 3 -- or is
16 it --

17 MR. HOFFMAN: 4.

18 QUESTIONS BY MS. CONROY:

19 Q. Exhibit 4, would it have been
20 something that you would refer to from time
21 to time when you were on the order monitoring
22 committee?

23 A. No.

24 Q. Do you have any recollection of
25 being involved in any updates to Exhibit 4 or

1 any revisions of the order monitoring
2 protocol?

3 A. I have no recollection of being
4 involved in the revision of this SOP, but as
5 I stated before, the protocol changed in that
6 one area, which was the responsibility of
7 reporting, which was transferred to -- was
8 assumed by corporate security.

9 Q. Do you know if there was ever
10 an SOP that was created specifically with
11 respect to reporting when that change
12 occurred?

13 A. I don't know. I don't recall.

14 Q. Take a look at the first page
15 of Exhibit 4. It says around the middle, "As
16 a DEA registrant, Purdue is charged with
17 maintaining effective controls against
18 diversion of controlled substances into other
19 than legitimate medical, scientific and
20 industrial channels. This includes
21 reasonable efforts to, quote, 'know our
22 customers,' end quote, as well as aiding in
23 the efforts of our distributors to ensure
24 that they take reasonable steps to, quote,
25 'know their customers,' end quote."

1 Do you see that?

2 A. Yes.

3 Q. Can you explain to me the
4 reasonable efforts taken to "know our
5 customers"?

6 And I take it in this context
7 it's talking about wholesalers.

8 Is that how you read this?

9 A. That is how I read this.

10 Q. And what efforts, what
11 reasonable efforts, can you tell me are taken
12 by Purdue to know their customers, the
13 wholesalers?

14 MR. HOFFMAN: Object to the
15 form.

16 THE WITNESS: So in connection
17 with this OMS group, we've talked
18 about it before, but the biggest piece
19 is looking at and acquiring the
20 Fee-For-Service data.

21 If there would be a -- as I
22 think you know, there are -- most of
23 our interaction is with the big three:
24 AmerisourceBergen, Cardinal and
25 McKesson. If there was additional

1 authorized distributors, which there
2 are, that are not the big three, some
3 of those reasonable steps against
4 diversion of controlled substances
5 would and could have included site
6 reviews of security at these
7 distributors where we would make a
8 recommendation -- or I should say make
9 an assessment and a recommendation, or
10 recommendations, to improve security
11 to ensure as best -- as best as
12 possible to prevent diversion of
13 controlled substances, in this case
14 Purdue's products.

15 QUESTIONS BY MS. CONROY:

16 Q. Okay. And who would -- who
17 would conduct those site reviews?

18 A. A member of my team.

19 Q. Did you ever do them yourself?

20 A. No.

21 Q. And did you have a protocol or
22 a checklist or anything like that for those
23 site reviews?

24 A. We have a security
25 vulnerability assessment checklist which we

1 would submit to the wholesaler to ask them to
2 fill out in advance, and then we would audit
3 against that.

4 Q. Okay. And you said you would
5 make an assessment and a recommendation, or
6 recommendations, to improve security to --

7 A. If deemed appropriate, if I
8 may.

9 Q. Sure.
10 -- to ensure as best as
11 possible to prevent diversion of controlled
12 substances. And you were talking about
13 Purdue's products.

14 How would you define diversion
15 in that context?

16 What are you looking -- what
17 are you assessing at that site to prevent
18 diversion?

19 MR. HOFFMAN: Object to the
20 form. I think it's beyond the scope.
21 But go ahead.

22 THE WITNESS: So the diversion
23 I would be referring to there is the
24 possible theft of product at the
25 distributor level.

1 QUESTIONS BY MS. CONROY:

2 Q. You would not be looking at
3 anything to do with the size, pattern or
4 frequency of an actual order coming from the
5 wholesaler; is that correct?

6 MR. HOFFMAN: When you say --

7 QUESTIONS BY MS. CONROY:

8 Q. That would not be part of your
9 review?

10 MR. HOFFMAN: When you say
11 "you," you're talking about Mr. Geraci
12 or his department?

13 MS. CONROY: In his team.

14 MR. HOFFMAN: Okay.

15 THE WITNESS: This review of
16 the security vulnerability assessment,
17 the primary role, or I should say the
18 primary objective, is looking at
19 physical security and physical
20 security controls and internal
21 controls, not looking at sales volume.

22 QUESTIONS BY MS. CONROY:

23 Q. Do you know if there was anyone
24 at Purdue that would look to know the
25 customer, the wholesaler, with respect to

1 sales volume or frequency of orders or
2 pattern of orders?

3 A. I believe that would have been
4 in the sales operation group.

5 Q. And can you give me a name with
6 the sales operation group?

7 A. Maybe I should have said
8 national account, but I would think the Steve
9 Seid of the -- of the world.

10 Q. Okay. That's who you mean,
11 Steve Seid?

12 A. They would be looking at those
13 orders.

14 Q. Okay.

15 A. The sales organization.
16 We would be focusing on
17 security.

18 Q. Would there be anyplace that
19 that would be documented?

20 Would there be a file about
21 each customer, for example, with respect to
22 their vulnerability or lack of vulnerability
23 with respect to security, also contain maybe
24 anything that the sales organization knows
25 about the customer?

1 Are there any files like that?

2 MR. HOFFMAN: Object to the
3 form. It's beyond the scope.

4 THE WITNESS: Yes, we would
5 have our files of the security
6 vulnerability assessments.

7 QUESTIONS BY MS. CONROY:

8 Q. And do you have those files
9 with respect to each of the authorized
10 distributors for Purdue?

11 A. We would have to check. I
12 assume so.

13 Q. Okay. And I take it you don't
14 know whether or not national accounts has
15 files with respect to their responsibilities
16 with respect to knowing their customer?

17 A. I don't know.

18 Q. You can put that away.

19 (Purdue-Geraci Exhibit 5 marked
20 for identification.)

21 QUESTIONS BY MS. CONROY:

22 Q. I've marked as Exhibit 5 a
23 document from the Purdue production entitled
24 "Order Monitoring System," PPLPC019001275418.
25 Have you ever seen this

1 schematic before?

2 A. No.

3 Q. Let's take a look at it.

4 It says, sort of at the first
5 box, "Factors that Purdue's OMS team analyzes
6 to determine pharmacy review."

7 Do you see that?

8 A. Yes.

9 Q. Would you consider that you
10 were part of the OMS team?

11 A. Yes.

12 Q. And then it looks like there
13 are four different areas that are analyzed to
14 determine pharmacy review.

15 And would you agree with me
16 pharmacies are reviewed to determine whether
17 or not they are suspicious?

18 MR. HOFFMAN: Object to the
19 form.

20 THE WITNESS: We reviewed
21 pharmacies based on the information
22 that was analyzed that appeared to be
23 suspicious.

24 QUESTIONS BY MS. CONROY:

25 Q. Right.

1 So the -- so what you -- the
2 OMS team is reviewing pharmacies that are
3 selected by national accounts using the FFS
4 data that -- whatever the data points are
5 appear to be suspicious?

6 A. That's not how I understand it
7 to be.

8 Q. Okay. How do you understand it
9 to be?

10 A. You said it came from national
11 accounts. OMS members, people that --
12 certain individuals that were actually
13 looking at the FFS data would come to that
14 information, and their analysis could
15 conceivably be completely separate and
16 independent from national sales. It didn't
17 start with national sales. It's the buying
18 of the data, analyzing the data.

19 So the way you're describing it
20 I don't believe was the case.

21 Q. Okay. So let me make sure I
22 understand.

23 So whoever -- are you making
24 the distinction that the individuals looking
25 at the FFS data may not be from national

1 accounts; they were from the OMS team?

2 A. There was a person in national
3 accounts who was a member of the OMS team,
4 but I do not believe he was the one on a
5 regular basis for OMS crunching the data or
6 looking at the data and seeing how it played
7 out in the algorithm.

8 Q. I see.

9 Who would that have been?

10 A. Most recently it had been
11 Giselle Issa. I think it's I-s-s-a.

12 I'm sorry, I should be saying
13 it to you.

14 Q. And she's part of the legal
15 department?

16 A. Yes.

17 Q. Anyone else that you can
18 recall -- these are -- we're talking about
19 who is actually crunching the numbers --

20 A. Yeah.

21 Q. -- to come up with the
22 suspicious pharmacies?

23 A. And most recently Eric
24 Brantley. I should have said Eric replaced
25 Giselle.

1 Q. Okay. And what department is
2 Eric Brantley in?

3 A. Eric Brantley was in the
4 corporate ethics and compliance department.

5 Q. And they have -- they have
6 newly taken on these responsibilities in the
7 last two years, I think you told me?

8 A. What I stated was I believe
9 within the last two years.

10 Q. Okay. Who was it prior to
11 Giselle Issa, if you recall, if anyone?

12 A. If I recall correctly, it was a
13 Betsy Adams, I believe was her last name.

14 Q. And she was also in legal?

15 A. I believe so.

16 Q. So those three individuals --
17 and maybe there were others, but that's who
18 you recall -- they would be the ones that
19 would take the data, crunch the numbers and
20 present the pharmacies of suspicion to the
21 OMS team or committee?

22 A. Along with other work that
23 would be done between meetings.

24 Q. Okay. Is it fair to say that
25 it would start with those pharmacies and then

1 additional data would be collected once those
2 suspicious or potentially suspicious
3 pharmacies were identified?

4 MR. HOFFMAN: Object to the
5 form.

6 THE WITNESS: I believe it
7 would be fair to say that that was the
8 starting point in probably most
9 instances, which would be the
10 Fee-For-Service data and the analysis
11 of that data by pharmacy.

12 QUESTIONS BY MS. CONROY:

13 Q. Okay. And so if we take a look
14 at this first box, "Data compiled by
15 wholesalers on sales of Purdue products,"
16 that's Fee-For-Service data, correct?

17 A. I believe that's what they're
18 referring to there.

19 Q. And for -- just for the jury,
20 the Fee-For-Service data would be data coming
21 back from each of Purdue's customers that
22 would identify the amount of the -- of an
23 order and where it was shipped and what
24 retail outlet received what product. Is
25 that --

1 A. That would be the where it was
2 shipped, right.

3 Q. Okay. So you would know if you
4 shipped OxyContin to McKesson, the
5 Fee-For-Service data that would come back to
6 Purdue would tell you not only what was
7 shipped to McKesson but where McKesson
8 distributed the OxyContin to, what retail
9 outlets or pharmacies received that
10 OxyContin?

11 A. Well, the retail outlets that
12 received OxyContin, not necessarily that
13 OxyContin.

14 Understand there's going to
15 be a time. Okay?

16 Q. Okay.

17 A. Okay. You got to ship it,
18 going in, but they have inventory already.
19 It shows the shipment by the distributors, as
20 I understand it, the wholesalers, of
21 OxyContin to their customers.

22 Q. Okay. So you would know, for
23 example, a pharmacy on Main Street in
24 Cleveland, you would be able to tell if
25 McKesson distributed to that pharmacy on Main

1 Street in Cleveland. You would be able to
2 tell how much OxyContin McKesson distributed
3 to that pharmacy, correct?

4 MR. HOFFMAN: Object to the
5 form.

6 THE WITNESS: I believe that's
7 what the FFS data would reflect.

8 QUESTIONS BY MS. CONROY:

9 Q. Okay. And then it says below
10 that, "To identify outliers or indicia of
11 potential concern." And that's what we're
12 talking about, the number-crunching by Betsy
13 Adams, Giselle Issa and Eric Brantley and
14 maybe some others.

15 They would take the data
16 supplied by the wholesalers on the sales,
17 crunch the numbers, and they would identify
18 for the team outliers or something else that
19 would potentially be of concern to the order
20 monitoring team?

21 A. That appears to be the case,
22 and that's my recollection and understanding.

23 Q. Okay. Then the next box is
24 "Discussions with Wholesalers."

25 Based on concerning purchase

1 trends and other indications, do you -- did
2 you yourself have discussions with
3 wholesalers in your capacity as a member of
4 the order monitoring committee?

5 A. No.

6 Q. You would, I take it, as
7 corporate security, or your team, looking at
8 what we just talked about, sight reviews and
9 such, correct?

10 A. That is correct.

11 Q. But you did not have
12 discussions with them with respect to
13 suspicious orders, correct?

14 A. Not -- not as is reflected here
15 in this box.

16 Q. Okay. Do you know if others on
17 the committee had discussions with
18 wholesalers?

19 A. Yes.

20 Q. And who would those individuals
21 have been?

22 A. To the best of my recollection,
23 that would have been Jack Crowley's
24 responsibility, and he would have had those
25 discussions.

1 Q. And then there's a section
2 called reports of concern. That's ROCs.

3 You're familiar with those,
4 correct?

5 A. Yes.

6 Q. And abuse, diversion detection,
7 ADD, program reports indicative of suspicious
8 activity.

9 Are you familiar with the
10 review of those reports as an order
11 monitoring committee member?

12 A. Yes.

13 Q. And an ADD report is a report
14 from the sales side. And by sales I mean
15 sales and marketing, a sales rep or district
16 or regional manager.

17 That would be a report of
18 something that they observed either at a
19 pharmacy or at a physician's office; is that
20 correct?

21 A. I believe that would be one
22 point of information reviewed and --
23 collected and reviewed by the ADD group
24 concerning physicians.

25 Q. And would it be fair to say

1 that reports of concern or ADD reports would
2 be collected after suspicious pharmacies were
3 identified. Then there'd be a search for
4 more information that may exist with respect
5 to that pharmacy?

6 MR. HOFFMAN: Object to the
7 form.

8 THE WITNESS: It would be
9 reasonable to state that. This is
10 another data point.

11 QUESTIONS BY MS. CONROY:

12 Q. Right.

13 But it's a data point that
14 would be collected after suspicious
15 pharmacies were identified by the number
16 crunching based on the Fee-For-Service data?

17 MR. HOFFMAN: Object to the
18 form.

19 THE WITNESS: Okay. So I don't
20 think -- you're making it very linear.
21 It is possible that the information,
22 the different data points, could come
23 in at different times.

24 I'm assuming, with no specific
25 recollection, that an ADD report or a

1 ROC report conceivably could have
2 started an investigation, but it's --
3 I'm not -- I'm not saying that it's
4 going from one -- it always went one,
5 two, three, four, five. It would be
6 on a case-by-case basis.

7 QUESTIONS BY MS. CONROY:

8 Q. Okay. Do you have a
9 recollection of ROC, reports of concern, or
10 ADD reports with respect to a pharmacy?

11 A. With a specific pharmacy? No.

12 Q. Do you have a memory of them
13 relating to prescribers?

14 A. No specific recollection.

15 Q. I'm not asking if you remember
16 the pharmacy or the doctor.

17 A. Oh, okay. That's what I
18 thought you were referring to.

19 Q. Okay. What I'm asking is, do
20 you recall those reports of concern or ADD
21 reports to trigger a discussion at the order
22 monitoring committee about a particular
23 prescriber and that's why -- and then there
24 would be a review of where that prescriber's
25 prescriptions were being filled, or were they

1 reports about a pharmacy?

2 MR. HOFFMAN: Object to the
3 form.

4 THE WITNESS: Yeah, I don't
5 have a specific recollection, but I
6 believe that those types of discussion
7 were had at the OMS committee level.

8 QUESTIONS BY MS. CONROY:

9 Q. Did you ever have -- well, let
10 me -- did the order monitoring committee ever
11 decide to refer a prescriber to the DEA?

12 MR. HOFFMAN: Separate and
13 apart from the ADD function? Is that
14 what you're asking?

15 MS. CONROY: No, I'm not.

16 QUESTIONS BY MS. CONROY:

17 Q. What I'm asking is are you --
18 are you aware if the order monitoring
19 committee ever recommended or decided to
20 refer a prescriber to DEA?

21 A. I don't recall the order
22 monitoring committee recommending or making
23 the actual referral to the DEA about any
24 particular prescriber or prescribers.

25 Q. Okay. What you do remember is

1 that those recommendations were made with
2 respect to pharmacies; is that correct?

3 A. That is correct.

4 Q. Do you recall any instance
5 where there was a decision made to refer a
6 distributor to DEA?

7 A. I don't recall any specific
8 time where that happened.

9 Q. Do you recall any discussions
10 with respect to whether or not to refer a
11 physician to DEA -- I'm talking about in the
12 order monitoring committee, just discussions
13 about whether to do that.

14 A. I don't recall discussions
15 being had about referring physicians being
16 conducted during order monitoring committee
17 meetings.

18 Q. Are you familiar at all with
19 top prescriber lists or region zero lists?
20 Are those familiar terms to you?

21 MR. HOFFMAN: Object to the
22 form.

23 THE WITNESS: The region zero
24 lists, or region zero doctors, is a
25 term I am familiar with.

1 QUESTIONS BY MS. CONROY:

2 Q. And what does that mean?

3 A. As I recall and to the best of
4 my knowledge, doctors that were placed into,
5 quote, region zero were doctors that the
6 sales representatives were instructed not to
7 call on.

8 Q. And why is that, if you know?

9 MR. HOFFMAN: Object to the
10 form. Beyond the scope.

11 THE WITNESS: I was not part of
12 the ADD committee.

13 QUESTIONS BY MS. CONROY:

14 Q. Did the region zero doctors or
15 list, did that in any way impact
16 conversations about suspicious pharmacies in
17 the order monitoring committee?

18 Was it of any relevance to you?

19 A. Okay. So that's two questions.

20 I don't recall any impact, but
21 it would be a relevant data point, along with
22 many other data points or number of the data
23 points that we had, in order to try to
24 identify pharmacies that their buying
25 practices were unusual or suspicious.

1 Q. And can you explain to me why
2 it would be a relevant data point?

3 A. Well, like as I mentioned
4 earlier, on a case-by-case basis you're
5 looking at a number of different data points.

6 In this case it could suggest,
7 if there's a doctor or a physician that has
8 been identified as a region zero doctor, it
9 could suggest or point you in a direction to
10 look at the pharmacies where his patients or
11 her patients were actually fulfilling their
12 prescriptions.

13 But I said "it could."

14 Q. Right. I understand.

15 A. Yeah.

16 Q. Each investigation is
17 different, correct?

18 A. And each location is different.

19 Q. But Purdue would have that data
20 in order to follow down that path, if in fact
21 the investigation warranted it. To determine
22 if it was a suspicious pharmacy that the
23 order monitoring committee was looking at,
24 you would have available to you data with
25 respect to prescribers in the area that might

1 be in region zero or might not be in region
2 zero. That data would be available to you?

3 A. Yes, it would be.

4 Q. And that data would be
5 collected, not by you but some other member
6 of the order monitoring team. And would that
7 be part of the collection of information you
8 would receive in advance of an order
9 monitoring committee meeting?

10 A. It could have been, yes.

11 Q. And if that data existed and
12 had been included, I would see it in the
13 package of materials that would have been
14 sent to you and others. That's where it
15 would be. It wouldn't be somewhere else you
16 would go to see it?

17 MR. HOFFMAN: Object to the
18 form.

19 THE WITNESS: I believe that
20 that's where you would see it.

21 QUESTIONS BY MS. CONROY:

22 Q. For example, you yourself, you
23 didn't -- you didn't receive a list of region
24 zero doctors every month or anything like
25 that, correct?

1 A. I don't recall ever receiving
2 any list of region zero doctors at any time.

3 Q. The only time you would hear
4 information about a region zero doctor would
5 be in that package of material?

6 A. Or during discussion at the
7 order monitoring meeting.

8 Q. Okay. And the next one is
9 publicly available legal or regulatory
10 actions, information collected based on
11 public searches of terms to identify actions
12 taken against pharmacists or pharmacies.

13 Does that sound right to you?
14 Do you recall that happening?

15 A. Yes.

16 Q. And I take it that's not
17 something -- you would not have been doing
18 those searches, correct?

19 A. That is correct.

20 Q. Would information collected
21 from those searches have been either provided
22 to you in the package in advance of the
23 meeting or the topic of those -- of that
24 information discussed at the meeting?

25 A. Yes, to both.

1 Q. Do you know who on the team
2 would have been responsible for this
3 information collection?

4 A. For most of this, the publicly
5 available information would have been
6 collected by a member of my staff, Luis
7 Bauza. It would be the corporate security
8 review, the due diligence work.

9 Q. Would you have known in advance
10 of a meeting to ask Mr. Bauza to collect
11 publicly available information about a
12 particular pharmacy, or would the meeting
13 take place and then there would be an
14 assignment to Mr. Bauza to look into anything
15 that might be publicly available after that
16 pharmacy was identified?

17 MR. HOFFMAN: Object to the
18 form.

19 THE WITNESS: So it -- the way
20 it would happen or could happen would
21 be two ways. One, during the course
22 of a meeting a request for inquiry may
23 arise, and Mr. Bauza would accept that
24 responsibility and conduct that
25 inquiry.

1 The second part would have been
2 before the meeting, Mr. Bauza would
3 have received a request from someone
4 in the order monitoring team to say,
5 we're looking at a particular pharmacy
6 or pharmacies. Can you conduct the
7 background inquiry in anticipation of
8 the meeting.

9 QUESTIONS BY MS. CONROY:

10 Q. Okay. And would Mr. Bauza have
11 to go through you to get that request or
12 would it be -- or could it just come from
13 another order monitoring team member directly
14 to Mr. Bauza?

15 A. I allowed it to go any way he
16 got the request. It didn't have to be
17 approved by me.

18 Q. I see. Okay.

19 And then all -- all four of
20 these sources of information, I'll call them,
21 would go into the OMS team review. It says,
22 "OMS team reviews all information collected
23 on accounts that have met any of the criteria
24 above and determines next steps."

25 Does that sound right to you,

1 the way it worked?

2 A. That seems to be a fair
3 representation of how it worked.

4 Q. And then if you look down,
5 there are two boxes -- there's one box.
6 Complete referred. It says, "OMS team
7 determined there was sufficient information
8 regarding the potential suspicious order."

9 This is talking about
10 determining there was sufficient information
11 to actually refer the matter to DEA, correct?

12 A. Yes.

13 Q. The team also could determine
14 to keep looking at the pharmacy or they could
15 close the investigation, correct?

16 A. Correct.

17 Q. And you just don't see that box
18 here on this schematic, correct?

19 A. No.

20 Q. And then there's a DEA -- and
21 then once the committee decides to refer,
22 there's the actual DEA referral. "Purdue
23 refers the issue to the local DEA field
24 office division and authorized distributor
25 notified."

1 Do you see that?

2 A. Yes.

3 Q. The final phrase in that
4 sentence, "the authorized distributor
5 notified," was it your understanding that a
6 distributor would be told if Purdue was going
7 to refer one of its customers to the DEA?

8 A. It's my understanding that
9 Purdue would tell the distributor that it --
10 Purdue was referring one of the distributor's
11 customers to the DEA.

12 Q. And why was that done?
13 Why did Purdue tell the
14 distributor?

15 MR. HOFFMAN: Object to the
16 form. Beyond the scope.

17 THE WITNESS: Why did we tell?
18 This is our customer. My assumption
19 is it was done so that -- because
20 we're working with the customers, as
21 we stated in our SOP, to help support
22 them in developing these systems and
23 identifying suspicious orders and
24 suspicious pharmacies.

25 I think it's just a normal

1 practice to say, by the way, we've
2 done this. We've been in consultation
3 with you. You have either conducted
4 an investigation or not, and we've
5 come to the conclusion after a certain
6 period of time that based on all the
7 information we have available to us,
8 the order monitoring team has agreed
9 that this pharmacy has raised to a
10 level where we believe it requires a
11 referral to the DEA.

12 I think it's just normal and
13 customary that you would do something
14 like this with a customer.

15 QUESTIONS BY MS. CONROY:

16 Q. Do you know whether that was
17 the practice, to inform the distributor, the
18 customer, at any point when the order
19 monitoring committee decided to refer a
20 pharmacy to DEA?

21 A. To the best of my recollection
22 and knowledge, if we referred a pharmacy to
23 the DEA, we advised the wholesaler of such.

24 Q. Was there ever a situation
25 where you made the decision, the order

1 monitoring committee made the decision, to
2 refer and then asked the distributor to
3 actually make the referral to DEA?

4 MR. HOFFMAN: Object to the
5 form. Beyond the scope.

6 THE WITNESS: I don't recall
7 any time where we would say or ask or
8 request the distributor to make a
9 referral.

10 If we had come to the decision
11 that we were -- that we felt a
12 referral needed to be made, then we
13 were going to make it. I don't recall
14 that happening.

15 QUESTIONS BY MS. CONROY:

16 Q. Do you recall any instance
17 where there was a conflict between Purdue and
18 the distributor customer about whether or not
19 one of the pharmacies should be referred to
20 DEA?

21 MR. HOFFMAN: Object to the
22 form. Beyond the scope.

23 THE WITNESS: I don't recall
24 any time where that happened.

25

1 QUESTIONS BY MS. CONROY:

2 Q. As you sit here -- well, strike
3 that.

4 MR. HOFFMAN: Jayne, for your
5 planning purposes, I think we're
6 having lunch set up at like 12:15. So
7 it's in another 20-something minutes.
8 If that's okay with you guys.

9 MS. CONROY: That's great.
10 Thank you.

11 How are you doing? Do you
12 want --

13 THE WITNESS: I'm fine.

14 MS. CONROY: Okay. We'll
15 keep -- we'll just keep going?

16 MR. HOFFMAN: Sure.

17 MS. CONROY: You tell me when
18 lunch is here. Or tell me when it's
19 12:20.

20 QUESTIONS BY MS. CONROY:

21 Q. Mr. Geraci, are you familiar
22 with the new order monitoring suspicious
23 order SOPs after 0007?

24 A. Am I familiar? No, I'm not.

25 Q. Okay. So --

1 A. I may have seen them; I just
2 don't recall.

3 Q. Let me mark them, and you can
4 just tell me --

5 A. Sure.

6 Q. -- whether you've seen them.

7 MS. CONROY: I'll try and do it
8 in order. That would actually make
9 more sense.

10 THE WITNESS: While you're
11 doing that, may I just step out for a
12 second? Thank you.

13 MS. CONROY: We'll go off the
14 record.

15 VIDEOGRAPHER: The time is
16 11:54 a.m. Off the record.

17 (Off the record at 11:54 a.m.)

18 VIDEOGRAPHER: Okay. We are
19 back on the record. The time is
20 11:59 a.m.

21 (Purdue-Geraci Exhibits 6, 7
22 and 8 marked for identification.)

23 QUESTIONS BY MS. CONROY:

24 Q. I'm going to pass you
25 Exhibits 6, 7 and 8, which I'll represent to

1 you, I believe, are three suspicious order
2 monitoring protocols.

3 Exhibit 6 is CC-SOP-000017, and
4 it says the release date is the 25th of
5 September, 2017. "The purpose of this SOP is
6 to provide guidance on identifying,
7 reviewing, documenting and reporting
8 suspicious orders in compliance with the
9 Controlled Substances Act and 21 CFR 1301.74,
10 subpart B."

11 Have you ever seen this
12 document before?

13 A. I don't believe so.

14 Q. Okay. Do you see it's signed
15 by Eric Brantley?

16 Is he -- it has -- it's on the
17 typed list on the front page --

18 A. Oh, I see it, yes.

19 Q. -- and then maybe there's a
20 signature page. I'm not even -- yeah, there
21 isn't a signature page, but right on the
22 front it says "signed by Eric Brantley."

23 Is he in your department?

24 A. No.

25 Q. Okay. And then also signed by

1 Alexis Stroud.

2 Do you know what department
3 she's in?

4 A. Yes.

5 Q. Which one?

6 A. Ethics and compliance.

7 Q. And Eric Brantley is also in
8 ethics and compliance?

9 A. Yes, he was.

10 Q. And Danielle Bacco, is she in
11 ethics and compliance, if you know?

12 A. Yes, she was.

13 Q. Is this indicative of the
14 switch to ethics and -- the ethics and
15 compliance department taking responsibility
16 for the order monitoring -- or suspicious
17 order monitoring review?

18 A. It would certainly indicate
19 that.

20 Q. Does it fit with your memory
21 that around September, the end of September
22 of 2017, that may have been when there ceased
23 to be order monitoring committee meetings
24 that you were attending?

25 A. That would appear to be the

1 case.

2 Q. Okay. If we look at Exhibit 7,
3 which is CC-SOP-000018, and the document
4 title is "Know Your Customer Due Diligence,"
5 also dated September 25, 2017. And the
6 description, "This SOP outlines the, quote,
7 'know your customer,' end quote, due
8 diligence process for new and existing
9 customers and applies to all customers
10 purchasing Schedule II through V controlled
11 substances and List I chemicals."

12 Do you see that?

13 A. Yes.

14 Q. Do you have any memory of ever
15 seeing or reading this SOP, Exhibit 7?

16 A. I don't recall ever reading or
17 seeing this SOP.

18 Q. And I see we have the same
19 three individuals, including Margaret Feltz,
20 who is also on Exhibit 6, part of the ethics
21 and compliance department.

22 Would it be your understanding
23 that this SOP is also part of the ethics and
24 compliance oversight of the suspicious order
25 monitoring department?

1 A. That would be my understanding.

2 Q. Okay. And then Exhibit 8 is
3 CC-SOP-000019. This one is later,
4 January 25th of 2018. "This SOP outlines the
5 know your customers' customers due diligence
6 process for downstream customers."

7 Do you see that?

8 A. Yes.

9 Q. Have you ever seen this one
10 before, Exhibit 8?

11 A. I don't recall ever seeing
12 this.

13 Q. Do you know if that is a new
14 concept, to know your customers' customers
15 with respect to the review of suspicious
16 pharmacies or orders?

17 MR. HOFFMAN: Object to the
18 form. Beyond the scope.

19 THE WITNESS: I don't believe
20 it's a new concept.

21 QUESTIONS BY MS. CONROY:

22 Q. Okay. Was that anything that
23 was discussed when you were attending order
24 monitoring committee meetings, any know your
25 customers' customers due diligence processes?

1 A. Yes.

2 Q. And tell me about that. What
3 did that mean, to know your customers'
4 customers?

5 A. This would have been -- you
6 asked me what I believe it means -- is
7 knowing the pharmacies. This is why we would
8 acquire the Fee-For-Service data, to know our
9 customers, who is the distributor or
10 wholesaler, their customers.

11 Q. Right.

12 And so that's the customers'
13 customer. The distributor or the wholesaler
14 is Purdue's customer, and then to know their
15 customers' customers, that would be the
16 pharmacies?

17 A. That is correct.

18 Q. Do you see at the bottom of
19 Exhibit 8 it says, "Owning departments, STM,
20 corporate compliance"?

21 A. Uh-huh.

22 MR. HOFFMAN: You have to say
23 yes or no.

24 THE WITNESS: Yes. I'm sorry,
25 yes. I apologize, yes, I see it.

1 QUESTIONS BY MS. CONROY:

2 Q. Have you heard that term before
3 "owning departments"?

4 A. No.

5 Q. And what does STM stand for
6 with corporate compliance, if you know?

7 A. I don't know.

8 Q. You can put those away.
9 Do you know if the order
10 monitoring committee has been suspended, or
11 do you know if it ceases to exist?

12 MR. HOFFMAN: Object to the
13 form.

14 THE WITNESS: The order
15 monitoring committee continues.

16 QUESTIONS BY MS. CONROY:

17 Q. Have you had any meetings?

18 A. I don't know if they've had any
19 meetings.

20 Q. Okay. Do you believe you're
21 still on the order monitoring committee?

22 A. I don't -- there isn't a
23 committee as such as it was before, so to
24 answer your question, I -- I really haven't
25 given thought as to if I'm on the committee

1 or not.

2 Q. Okay. Let me ask it this way:
3 Do you know if there -- do you know if
4 there's still an order monitoring committee
5 but it's a different committee and under a
6 different oversight department, or is it the
7 same order monitoring committee, you just
8 don't know if it's active?

9 A. I just testified that it still
10 exists. It is active. It is within the
11 corporate ethics and compliance group.

12 Q. Did you say it is within the
13 corporate --

14 A. It is within.

15 Q. The corporate ethics and
16 compliance?

17 A. Yes.

18 Q. But you have not, to the best
19 of your knowledge, attended any meetings?

20 A. I have not attended any
21 meetings to the best of my knowledge.

22 Q. Okay. Do you receive any
23 packages or agendas or anything like that
24 with respect to the order monitoring
25 committee now that it's part of corporate

1 ethics and compliance?

2 A. I have not, to the best of my
3 recollection.

4 Q. What about Mr. Bauza, do you
5 know if he has attended any meetings or if he
6 receives any materials?

7 A. I don't know.

8 Q. How do you know it's still
9 active?

10 A. In my discussions with Maggie
11 Feltz, and in discussions I've had with Eric
12 Brantley over time.

13 Q. Do you know who the other
14 committee members are once there was the
15 switch to corporate ethics?

16 A. The committee members were
17 those individuals listed on the -- I think
18 they call this their SOP, right?

19 Q. Right.

20 A. Yes. Corporate compliance
21 CC-SOP. It would be those individuals.

22 Q. Danielle --

23 A. Eric Brantley, Danielle Bacco,
24 Margaret Feltz, Alexis Stroud.

25 Q. Do you know if anyone from

1 national accounts is still on the order
2 monitoring committee?

3 A. I don't know.

4 Q. Do you know if anyone from
5 marketing or sales, the marketing and sales
6 side of the business, is on the order
7 monitoring committee?

8 A. I don't know.

9 Q. Do you know if anyone from the
10 legal department is on the order monitoring
11 committee?

12 A. I don't know.

13 Q. Do you know if it's only those
14 four individuals, or do you know one way or
15 the other if there are additional members on
16 the committee?

17 A. I don't know if there are
18 additional members.

19 Q. Do you know if you are -- let
20 me ask it this way: Would you have been
21 familiar with or had in your possession, for
22 example, the SOP with respect to ADD, abuse,
23 diversion and detection? Would that be
24 something that you would have -- you would
25 have had in your role as a member of the

1 order monitoring committee?

2 A. That I would have had what?

3 I'm sorry, Ms. Conroy.

4 Q. The SOP, for example, the ADD
5 reports.

6 A. I don't recall ever having the
7 SOP for the ADD or anything related to ADD.

8 Q. Did you ever even know that
9 there was an SOP for the ADD reporting?

10 A. Did I ever know? No, I don't
11 know.

12 Q. Okay. Did you ever know one
13 way or the other whether there was an SOP for
14 reports of concern?

15 A. I don't know or ever recall
16 being aware of an SOP for reports of concern.

17 Q. So that's not something you
18 would have had in your possession, such an
19 SOP, or if you had it, you didn't know what
20 it was?

21 A. Well, I'll answer that I don't
22 know that I ever had those in my possession,
23 those SOPs.

24 Q. What about a Fee-For-Service
25 SOP, is that familiar to you at all? Would

1 you have ever seen one of those?

2 A. I don't recall ever seeing a
3 Fee-For-Service SOP.

4 Q. Do you know if you even knew if
5 one existed?

6 A. I did not know that one
7 existed.

8 Q. Okay. Generally at Purdue --
9 or let me ask it this way: In your role as
10 corporate security, do you work -- do you and
11 the individuals who report to you operate
12 under SOPs or refer to SOPs for their sort of
13 daily functions?

14 MR. HOFFMAN: Object to the
15 form.

16 THE WITNESS: Corporate
17 security has certain SOPs that are
18 very specific, but not to your daily
19 function. Not that I know of to daily
20 function. Pretty much in the roles
21 and responsibilities. Physical
22 security, for example.

23 QUESTIONS BY MS. CONROY:

24 Q. And are you involved in the
25 drafting or review of those SOPs that relate

1 to corporate security?

2 A. I would have been when those
3 things -- during my tenure if those things
4 were up for review or for drafting, I would
5 have reviewed those and approved those.

6 Q. And is there a department at
7 Purdue that keeps track of SOPs that makes
8 sure that they are kept up to date and they
9 keep a record of that sort of thing?

10 MR. HOFFMAN: Object to the
11 form. Beyond the scope.

12 THE WITNESS: Yeah, I don't
13 know if there's a department that has
14 it. I assume that they reside
15 someplace.

16 QUESTIONS BY MS. CONROY:

17 Q. When you have a new employee
18 come in to corporate security, are they given
19 the SOPs for that -- for the corporate
20 security department?

21 MR. HOFFMAN: Object to the
22 form.

23 THE WITNESS: No.

24 MR. HOFFMAN: Beyond the scope.

25 THE WITNESS: Yeah, I haven't

1 had a new employee in a long time. I
2 don't recall.

3 QUESTIONS BY MS. CONROY:

4 Q. Okay. Would you, for example,
5 have copies or know where to puts your hands
6 on the SOPs that relate to corporate
7 security?

8 A. I would know who to ask to get
9 those.

10 Q. Is it part of Purdue as a
11 corporation's culture to have SOPs that sort
12 of guide or explain in general the
13 responsibilities and duties of the different
14 departments?

15 MR. HOFFMAN: Object to the
16 form. Beyond the scope.

17 THE WITNESS: To the best of my
18 knowledge, we -- there are a number of
19 SOPs that various departments, if not
20 all departments, have, to the extent
21 of which I don't know.

22 QUESTIONS BY MS. CONROY:

23 Q. Compared to an SOP, for
24 example, do you have a guidebook or anything
25 like that for corporate security or would it

1 be the SOPs?

2 A. We do not have a guidebook, per
3 se.

4 Q. Do you have something like a
5 guidebook?

6 A. As I recall, there may be some
7 references to, quote, security in our
8 employee handbooks, but it's broad and
9 general, just for the employee base.

10 Q. Okay. With respect to the
11 order monitoring committee, we looked at the
12 SOP that specifically concerned the order
13 monitoring committee, correct?

14 A. Yes, we did.

15 Q. Are you familiar with any other
16 guidelines, handbooks, anything else that you
17 would have referred to as a member of the
18 order monitoring committee to define your
19 responsibilities or outline your
20 responsibilities or lay out protocols,
21 anything like that, or would it be the SOP?

22 A. I'm unaware of any other SOP or
23 guidelines that would have guided our -- how
24 we comported ourselves with regard to the
25 order monitoring.

1 MS. CONROY: Okay. I think we
2 can break for lunch. We just saved a
3 lot of time.

4 THE WITNESS: Great. Good.

5 VIDEOGRAPHER: Off the record,
6 right? The time is 12:16 p.m. Off
7 the record.

8 (Off the record at 12:16 p.m.)

9 VIDEOGRAPHER: Okay. We are
10 back on the record. The time is
11 1:16 p.m.

12 (Purdue-Geraci Exhibit 9 marked
13 for identification.)

14 QUESTIONS BY MS. CONROY:

15 Q. Mr. Geraci, let me pass what
16 I've marked as Exhibit 9 to you.

17 And the front page,
18 PPLPC004000317960, is an e-mail. You're the
19 first one listed there.

20 That's you, right, Mark Geraci
21 at pharma.com?

22 A. Yes.

23 Q. And the e-mail is dated
24 March 29, 2012, and it's from Giselle Issa,
25 who we talked about earlier, correct?

1 A. Yes.

2 Q. And she's in the legal
3 department?

4 A. Yes.

5 Q. Although it has her as the
6 director of OMS and records management.

7 Do you see at the bottom her
8 signature line?

9 A. Yes.

10 Q. Is that a part of legal, if you
11 know?

12 A. I believe so.

13 Q. Okay.

14 MR. HOFFMAN: Or it was at the
15 time.

16 QUESTIONS BY MS. CONROY:

17 Q. Okay. Then if you would turn
18 in a few pages, there is a PowerPoint that
19 says it was a presentation for the HDMA
20 conference in Orlando, Florida, on March 13th
21 of 2012.

22 Did you find that page?

23 A. Yes, I did.

24 Q. And do you know what HDMA
25 stands for?

1 A. That's the Health Distribution
2 Manufacturers Association, I believe,
3 currently known as, I think, HDA.

4 Q. And do you know if Purdue, in
5 March of 2012, was a member of HDMA?

6 A. I believe so.

7 Q. Would you ever attend any HDMA
8 conferences?

9 A. I don't recall ever attending
10 one.

11 Q. Do you know if there are
12 personal memberships?

13 Or let me ask: Do you know if
14 you yourself are a member of HDMA or HDA?

15 A. No, I'm not.

16 Q. This e-mail was sent to you.
17 Do you have any recollection of
18 whether you helped prepare it?

19 I take it from your earlier
20 answer you would not have been in attendance
21 when it was presented in Orlando, correct?

22 A. That is correct.

23 Q. If you turn to the second
24 slide, it says, "The mission of the Purdue
25 OMS program."

1 Do you see that?

2 A. Yes, I do.

3 Q. And it says, "To ensure
4 compliance with DEA regulations requiring
5 manufacturers and distributors to monitor and
6 report suspicious orders of controlled
7 substances by implementing a detailed
8 process," and then it has three bullet
9 points: "Ongoing assessment of selected
10 accounts."

11 We talked about that, correct,
12 the assessment of accounts from the
13 Fee-For-Service data and other areas,
14 correct?

15 A. That is correct.

16 Q. "Support for authorized
17 distributors in implementing their own OMS
18 programs and efforts to know their
19 customers."

20 You agree that was part of the
21 mission of the OMS program?

22 MR. HOFFMAN: Object to the
23 form. Beyond the scope.

24 THE WITNESS: It appears to be
25 part of the mission.

1 QUESTIONS BY MS. CONROY:

2 Q. Do you agree with the sentence
3 that's at the top of the PowerPoint, that
4 "The mission of the Purdue OMS program was to
5 ensure compliance with DEA regulations
6 requiring manufacturers and distributors to
7 monitor and report suspicious orders of
8 controlled substances"?

9 Do you agree with that?

10 MR. HOFFMAN: Object to the
11 form. Beyond the scope.

12 THE WITNESS: I'm going to say
13 it again. I don't recall seeing a
14 regulation by the DEA that -- a
15 regulation that mandated that the
16 manufacturers, all right, have to take
17 this next step. All right? I don't
18 recall it.

19 QUESTIONS BY MS. CONROY:

20 Q. So if I got rid of the word
21 "manufacturers" -- the words "manufacturers
22 and" -- so if it just said "to ensure
23 compliance with DEA regulations requiring
24 distributors to monitor and report suspicious
25 orders of controlled substances," would you

1 agree with that?

2 MR. HOFFMAN: Object to the
3 form. Again, beyond the scope.

4 THE WITNESS: It would be more
5 to my understanding.

6 QUESTIONS BY MS. CONROY:

7 Q. And would you agree -- would it
8 be more to your understanding that that
9 was -- removing the word "manufacturers"
10 would also be more to your understanding of
11 the mission of the Purdue OMS program?

12 MR. HOFFMAN: Object to the
13 form. Beyond the scope.

14 THE WITNESS: I think the
15 mission was to support, as we have
16 said repeatedly, I've said repeatedly,
17 to support the distributors here in
18 helping them monitor their customers.

19 QUESTIONS BY MS. CONROY:

20 Q. Okay. So you --

21 A. This was an additional step by
22 Purdue, I mean, as far as I'm concerned.

23 Q. Okay.

24 A. And I think to really try to do
25 the right thing, to address any issues that

1 were there concerning prescription drug
2 diversion and abuse.

3 Q. And to do the right thing by
4 assisting distributors?

5 A. In identifying potentially
6 suspicious or unusual purchasing patterns by
7 pharmacies.

8 Q. What was -- I'm just not
9 totally clear. What was the extent of the
10 right thing that you're talking about, the
11 identification of the orders, or was it
12 something more?

13 A. Well, the first step would be
14 helping identify those pharmacies whose
15 orders appear to be suspicious or unusual.

16 I will continue by saying, and
17 the right thing then would be, which is what
18 Purdue did, is that where appropriate, when
19 an investigation resulted in the committee
20 voting on a referral to the DEA of these
21 suspicious pharmacies, that that was also the
22 right thing to do.

23 Q. To refer to the DEA?

24 A. To refer to the DEA.

25 Q. Okay. But you don't recall, as

1 you sit here, how many referrals to the DEA
2 of pharmacies occurred during the time that
3 you were on the order monitoring committee,
4 at least before the ethics department became
5 involved?

6 MR. HOFFMAN: Object to the
7 form. Asked and answered and beyond
8 the scope.

9 THE WITNESS: That is correct.

10 QUESTIONS BY MS. CONROY:

11 Q. I think the fourth slide is the
12 OMS team members, and would you be the --
13 which one is you? VP corporate security?

14 A. That is correct.

15 Q. Okay. And I believe we've gone
16 through -- Slide 5 is the OMS information
17 services, and I believe we have talked about
18 those this morning, the Fee-For-Service data,
19 the IMS data and analyses, the reports of
20 concern.

21 Prescriber program information,
22 what do you believe that is?

23 A. I actually don't know.

24 Q. I think what we spoke about
25 earlier today was the top 200 prescriber

1 lists and then the region zero lists.

2 Do you know of any other
3 information sources with respect to
4 prescribers that were utilized by the order
5 monitoring system?

6 MR. HOFFMAN: So I don't know
7 if he testified about the 200
8 prescriber list, but I know he
9 testified about region zero.

10 But go ahead.

11 THE WITNESS: So I did not
12 testify or provide information stating
13 I had knowledge about any list, but
14 did say I was aware of the region zero
15 list.

16 QUESTIONS BY MS. CONROY:

17 Q. Okay. Do you know of any other
18 prescriber program information that would be
19 a source to the order monitoring committee
20 other than the region zero list that
21 concerned prescribers?

22 A. No, I don't.

23 Q. And just to be -- and you are
24 not familiar with the top prescribing list,
25 that's not a familiar term to you, or top 200

1 prescribing list?

2 A. I am not.

3 Q. And I believe we talked about
4 local law enforcement, state licensing board
5 information, that type of thing. That would
6 be something Luis Bauza or maybe others would
7 look into?

8 A. That is correct.

9 Q. Okay. With respect to media
10 reports, do you know if there was a clipping
11 service or anything like that that would
12 track reports in the media about Purdue's
13 products or its customers?

14 A. There was a, your term,
15 clipping service, that corporate
16 communications had that would have
17 information of -- you know, of interest to
18 some, and many times all, concerning our
19 products and other products in this -- in
20 this area.

21 Q. Do you recall whether or not
22 that service ever became an information
23 source for the order monitoring committee?

24 A. I don't recall it becoming a
25 source. I believe the media reports here

1 would be us, meaning corporate security, when
2 we would do our background check review, look
3 at media reports concerning if there were
4 any, concerning individual pharmacies.

5 Q. Those that -- you typically
6 pick those up --

7 A. Right.

8 Q. -- in your analysis?

9 A. That's correct.

10 Q. This Slide 7 talks about the
11 OMS process and it says, "Identification of
12 potential problematic outlets, 2009 to 2010."

13 Do you see that?

14 A. Yes.

15 Q. And then it talks about the
16 Fee-For-Service data outliers. It talks
17 about some of the ways that the data would be
18 analyzed, which are the bullet points, and
19 then it says in yellow at the bottom, "Based
20 on algorithm, 500 to 600 outlets met the
21 criteria."

22 Do you see that?

23 A. Yes.

24 Q. Do you have an understanding of
25 what that means to you as a member of the

1 order monitoring committee?

2 A. To me, this would have meant
3 that out of the -- all of the outlets in this
4 case, the pharmacies that we were looking at
5 or the committee was looking at or that team
6 was looking at, 5 or 600 showed some
7 significant increases or changes in their
8 buying patterns that would be kicked out by
9 the algorithm looking at purchases in this
10 case of -- on a month-to-month or
11 three-month-to-three-month or
12 six-month-to-six-month comparison.

13 So it certainly would be a
14 starting point for further inquiry.

15 Q. Okay. And I think you told me
16 earlier you didn't utilize the OMS database,
17 but do you know one way or the other whether
18 those 500 or 600 outlets would be identified
19 on a database as kind of showing increases or
20 changes or, in your words, kicked out by the
21 algorithm?

22 Do you know if they'd show up
23 anywhere on a database?

24 MR. HOFFMAN: Object to the
25 form.

1 THE WITNESS: I apologize, I
2 don't understand the question.

3 This came from the FFS data, so
4 I don't understand your question.

5 QUESTIONS BY MS. CONROY:

6 Q. Okay. It comes from the
7 Fee-For-Service data.

8 A. Yes.

9 Q. 500 to 600 are identified as
10 having some indicia of suspicion --

11 A. Right.

12 Q. -- correct?

13 A. Yes.

14 Q. Do you know whether -- do you
15 know if there's an order monitoring database?
16 Do you know if that exists, apart from fee --
17 the Fee-For-Service database?

18 A. I don't know that an order
19 monitoring database actually exists the way
20 you're describing it.

21 Q. Okay. And so do you know
22 whether or not there was any computerized or
23 electronic list or identification or
24 something of those 500 to 600 outlets that
25 could be reviewed by members of the order

1 monitoring committee or by someone else at
2 Purdue?

3 A. I don't know. I don't know.

4 Q. Do you know one way or the
5 other whether -- we see here that it says
6 there were 500 to 600 outlets that met the
7 criteria. Do you know if there's a list of
8 those outlets anywhere, or was there ever a
9 list of those outlets?

10 A. I don't know.

11 MR. HOFFMAN: Object to the
12 form. I'm sorry, object to the form.
13 Go ahead.

14 THE WITNESS: I'm sorry, I
15 don't know.

16 QUESTIONS BY MS. CONROY:

17 Q. Okay. Is it true that the best
18 you can say is that if one of those 500 or
19 600 outlets were discussed at an order
20 monitoring committee or if you received
21 information in advance of an order monitoring
22 committee about one of those outlets, that's
23 the most you would know?

24 MR. HOFFMAN: Object to the
25 form.

1 THE WITNESS: What we would
2 know and I would know would be the
3 report that was furnished to us, quite
4 often in advance, that would include
5 this information, as you're saying,
6 possibly identifying a pharmacy that
7 met the criteria.

8 And depending on the timing of
9 the issuance of that report and it
10 meeting this criteria, there may or
11 may not have been other investigative
12 work done that would have augmented
13 this in one shape, matter or form.

14 QUESTIONS BY MS. CONROY:

15 Q. What I'm getting at is that you
16 would receive a packet of information, and
17 that packet may be added to, I understand
18 that, not with respect to 500 or 600 outlets
19 but a discrete number of outlets, to discuss
20 at the order monitoring committee meeting?

21 A. I have no recollection of ever
22 receiving a list or a report reflecting 5 to
23 600 outlets listed at one time. I don't
24 recall that.

25 Q. Okay. And I know you told me

1 earlier you didn't recall how many outlets
2 might be discussed at an order monitoring
3 committee, but I think it's fair to say they
4 didn't go for more than a day. So it didn't
5 dis -- you didn't discuss 500 outlets at a
6 meeting, correct?

7 A. Not to my recollection.

8 Q. Would it be -- can you give me
9 a range? Would it be from 5 to 20 or --

10 A. That wouldn't be fair, because
11 I don't recall what it would be. It could
12 vary.

13 Q. Okay. Do you know if the OMS
14 committee would have reviewed all 500 to 600
15 outlets that met the criteria, or was there
16 some other selection process that would then
17 funnel certain of those outlets to the
18 committee for discussion?

19 A. So I don't know if the OMS
20 committee and those conducting the inquiry
21 before the meeting looked at 5 to 600 of the
22 outlets.

23 I assume that there was work
24 done afterwards using other data points that
25 I've referenced before to see if there were

1 other indications or indicators that would
2 reflect unusual activity or required further
3 investigation.

4 Q. So outside of the order
5 monitoring -- the formal order monitoring
6 committee --

7 A. Right.

8 Q. -- there was some winnowing
9 down of the outlets that met the algorithm or
10 met the criteria?

11 MR. HOFFMAN: Object to the
12 form.

13 THE WITNESS: I didn't say
14 that. I said there could be.

15 You asked me did I know about
16 or at a meeting where 500 and 600 -- 5
17 to 600 outlets presented at a meeting
18 by the order monitoring team, and I
19 said I don't recall that.

20 QUESTIONS BY MS. CONROY:

21 Q. And then you talked to me about
22 how people would have -- there would have
23 been individuals would have looked at
24 additional information to try to get more
25 information about those, I'll call them,

1 suspicious outlets?

2 A. Uh-huh.

3 MR. HOFFMAN: You have to say
4 yes or no.

5 QUESTIONS BY MS. CONROY:

6 Q. Do you know if that was done as
7 a part of the order monitoring committee or
8 outside of the committee to then bring the
9 outlets that were to be discussed at the
10 committee?

11 MR. HOFFMAN: Object to the
12 form.

13 THE WITNESS: I believe the
14 work was done by committee members
15 looking at criteria such as this and
16 then conducting further inquiry to
17 determine if all 500 or 600 were
18 suspicious or if there is a -- if
19 there's other information that would
20 reduce that amount.

21 But I have no recollection that
22 there were 5 to 600 presented to us at
23 any particular given time.

24 QUESTIONS BY MS. CONROY:

25 Q. Okay. Let me ask it this way:

1 The order monitoring committee as a body
2 would not be reducing -- based on your
3 testimony would not be reducing the 500 to
4 600 outlets. Order monitoring committee
5 members may do that, but the committee as a
6 whole would be addressing some number that
7 had been reduced from the outlets that
8 initially met the criteria?

9 MR. HOFFMAN: Object to form.

10 THE WITNESS: The committee
11 would be reviewing the work of that --
12 of the group itself, the team members
13 that were conducting the inquiry.

14 Whether the committee received
15 a reduced number or not, I don't
16 recall, but I do not recall any
17 particular meeting where we discussed
18 5 to 600 outlets.

19 QUESTIONS BY MS. CONROY:

20 Q. As a committee member, would
21 you have known one way or the other whether
22 there were an addition -- an additional ten
23 pharmacies that you never heard about that
24 may, in fact, have met the criteria?

25 MR. HOFFMAN: Object to form.

1 QUESTIONS BY MS. CONROY:

2 Q. Could that occur?

3 MR. HOFFMAN: Calls for
4 speculation.

5 THE WITNESS: Yeah, I can't
6 speculate on that, but I don't recall
7 us not being -- anything being -- not
8 being brought to our attention that
9 the committee -- not the committee,
10 but the people conducting the inquiry
11 had looked at where they were looking
12 for us to either vote on or to ask us
13 to conduct more investigative work.

14 QUESTIONS BY MS. CONROY:

15 Q. I understand that, and what I'm
16 trying to get at is I hear you saying there
17 were some members of the committee that
18 would, in your words, potentially winnow down
19 the list of -- or the pharmacies that met the
20 criteria, and then that winnowed-down group
21 of pharmacies would be presented to the
22 committee as a whole; is that correct?

23 A. I said potentially winnowed
24 down, and, yes, that information would be
25 presented to the committee as a whole.

1 Q. And so when it was presented to
2 the committee as a whole, the committee as a
3 whole would not be aware of what pharmacies
4 didn't make the cut to be presented to the
5 committee?

6 MR. HOFFMAN: Object to form.

7 THE WITNESS: Yeah, I don't
8 recall. I don't recall how -- if
9 there was discussion that was had that
10 discussed that we had 500 and we're
11 down to 200.

12 QUESTIONS BY MS. CONROY:

13 Q. You don't recall --

14 A. No, I don't.

15 Q. -- that?

16 On Slide Number 12, there
17 were -- there's a discussion of order
18 monitoring meetings that were held with
19 authorized distributors and ongoing contacts,
20 and it says, "Between September 2008 and
21 March 2012, Purdue met in person with ten
22 separate wholesalers to discuss OMS programs
23 and procedures and opportunities for better
24 collaboration."

25 Do you see that?

1 A. Yes.

2 Q. Did you, if you recall,
3 participate in any of those in-person
4 meetings with the wholesalers?

5 A. Yes.

6 Q. And did you participate, if you
7 know, in all ten meetings?

8 A. I did not.

9 Q. Which meetings did you
10 participate in?

11 A. I recall participating in one
12 meeting.

13 Q. And who was that?

14 A. With McKesson.

15 Q. And why did you attend the
16 McKesson meeting?

17 A. The McKesson meeting was
18 twofold: One was to go with the order
19 monitoring team, the representatives from the
20 team; and the second part was I had other
21 business with the head of security, separate
22 and apart from OMS, since it is a major
23 distributor of ours.

24 Q. And where was that meeting?

25 A. That was in San Francisco.

1 Q. Is that the only occasion you
2 participated as an OMS committee member with
3 a meeting with one of Purdue's distributor
4 customers?

5 A. I'd like to correct that.

6 I recall another meeting with a
7 distributor known as Kinray where the team
8 went to -- I believe they were in Queens,
9 Whitestone, Queens, at the time, and we had a
10 meeting there with their team, and I
11 accompanied them there.

12 Q. And was that strictly an order
13 monitoring committee meeting?

14 A. Yes.

15 Q. And do you recall why you went
16 to the Kinray meeting?

17 A. I don't recall why.

18 Q. Do you recall anything about
19 that meeting?

20 A. Nothing in particular.

21 Q. And was Kinray an authorized
22 distributor for Purdue at the time of the
23 meeting?

24 A. I believe so.

25 Q. Do you know if they still are?

1 A. I don't think it exists as
2 Kinray any longer. I think they were
3 acquired, and I don't recall who -- by whom.

4 Q. The slide on page 12, OMS
5 reporting committee decision --

6 A. You mean Slide 13, right?

7 Q. I'm sorry, Slide 13.

8 And you see there's -- we've
9 talked about this before -- the OMS committee
10 decision on each outlet reviewed "pending,"
11 which is there's no decision pending,
12 "complete-closed" and "complete-referred" and
13 "continue to monitor."

14 Do you see those four different
15 categories?

16 A. Yes.

17 Q. Would each of those categories
18 be voted on by the committee?

19 A. As I recall, yes.

20 Q. And they would be voted on with
21 respect to the particular pharmacy outlets
22 that were being discussed at that committee
23 meeting?

24 A. Yes.

25 Q. And if there was a "continue to

1 monitor" vote with respect to a certain
2 pharmacy, in order for that pharmacy to come
3 up again, was there a running list of open
4 investigations that were always discussed at
5 the order monitoring committee, or would
6 it -- or was it something that would be
7 then -- a decision would be made when to
8 bring up that pharmacy again?

9 MR. HOFFMAN: Object to the
10 form.

11 THE WITNESS: As I recall,
12 the -- those pharmacies that were
13 pending, which is what you're trying
14 to right now, or continuing to
15 monitor --

16 QUESTIONS BY MS. CONROY:

17 Q. Is that the same, pending --

18 A. Well, "no decision pending
19 completion of requested follow-up, continue
20 to monitor suspicious," "warrant close
21 monitoring, not yet to refer," I think
22 there's a distinction there, but both of them
23 are requiring additional work.

24 And as we would have our
25 meeting, these would be the -- this would be

1 quite often, I believe, if I recall
2 correctly, the first order of business. I
3 don't know if they maintained a list of
4 action items from the prior meeting, but I do
5 recall that there was -- it was pretty well
6 done that we would -- this would be follow-up
7 here of pharmacies that we were still looking
8 at, that were still under inquiry.

9 Q. And would that be typically, if
10 you know, Betsy or Giselle or Eric that would
11 kind of keep that action item list continuing
12 along?

13 A. Yeah, it would -- to the best
14 of my knowledge, it would have been certainly
15 under Betsy and then Giselle.

16 Q. Okay. Now, if you look on
17 Slide 14, it says, "OMS Process:
18 Post-Reformulation." And we talked about
19 this a bit, the reformulation of OxyContin.

20 And at the bottom of the slide
21 it says, "Based on new algorithm, 100 to 200
22 outlets met the criteria."

23 Do you see that?

24 A. Yes, I do.

25 Q. Is it your memory that after

1 the reformulation of OxyContin, the algorithm
2 identified fewer outlets?

3 MR. HOFFMAN: Object to the
4 form. Just as to time frame. That's
5 my objection, is to time frame.

6 QUESTIONS BY MS. CONROY:

7 Q. Well, let's take a look at
8 this. This is the updated algorithm based on
9 the reformulation from 2010 to 2011.

10 Is that the time frame that you
11 recall the reformulation taking place?

12 A. I recall specifically the
13 reformulation took place -- well, I should
14 say -- when you say "took place" -- was
15 launched, the reformulated product was
16 launched, I believe, in August of 2010.

17 Q. And do you recall discussions
18 at the order monitoring committee about
19 updating the algorithm?

20 A. I don't specifically recall
21 that now.

22 Q. Is it your understanding that
23 the algorithm is what would be used to
24 identify suspicious pharmacies?

25 MR. HOFFMAN: Object to the

1 form.

2 QUESTIONS BY MS. CONROY:

3 Q. From the Fee-For-Service data?

4 A. I've testified to that before,
5 that, yes, Fee-For-Service data would be a
6 very important part, certainly a first step,
7 in identifying potentially suspicious
8 pharmacies -- or buying patterns of
9 pharmacies.

10 Q. And it looks from this slide
11 that there was a new algorithm that was
12 created to apply to the Fee-For-Service data,
13 correct?

14 A. That appears to be the case.

15 Q. And would you agree that that
16 new algorithm identified what appeared to be
17 fewer pharmacies or outlets that met the
18 criteria of suspicious?

19 A. Based on this presentation as I
20 see it now, that would appear to be the case.

21 Q. Do you have any independent
22 memory of that?

23 A. No, I don't.

24 Q. Do you have a memory of there
25 being less of a problem with respect to

1 suspicious pharmacies after the reformulation
2 of OxyContin?

3 MR. HOFFMAN: Object to the
4 form.

5 THE WITNESS: My recollection
6 is based on not only the OMS data but
7 also what we saw in our RX patrol
8 system, which, as you probably know,
9 tracked on a voluntary basis pharmacy
10 robberies and burglaries.

11 QUESTIONS BY MS. CONROY:

12 Q. So after the reformulation, you
13 saw fewer robberies and burglaries of
14 pharmacies?

15 A. That's not what I said.

16 Q. Okay. Tell me again then.

17 A. Okay. What we saw is there
18 would be pharmacy robberies and burglaries.
19 Those numbers, those absolute numbers, did
20 not necessarily decline, but what we did see,
21 as best we could capture this in a voluntary
22 system, that the asking for or taking of
23 OxyContin during those criminal events
24 appeared to be declining.

25 Q. What would you -- what do you

1 believe the reason is that the number of
2 outlets that met the suspicious criteria
3 would reduce during this time after the
4 reformulation?

5 MR. HOFFMAN: Object to form.
6 Beyond the scope.

7 THE WITNESS: You're asking me
8 to speculate?

9 QUESTIONS BY MS. CONROY:

10 Q. Well, you sat in the meetings;
11 do you know?

12 MR. HOFFMAN: Object to form.

13 THE WITNESS: As I mentioned
14 before, I don't recall specifically
15 this coming up.

16 QUESTIONS BY MS. CONROY:

17 Q. And you don't recall any
18 discussion about why there needed to be a new
19 algorithm?

20 A. I don't recall.

21 Q. Or why the number of suspicious
22 pharmacies, at least the pharmacies that were
23 being reviewed, reduced?

24 A. I don't recall that.

25 Q. On Slide 15, in October of

1 2011, 290 outlets were identified to the DEA.

2 Do you see that?

3 A. Yes, I do.

4 Q. And I think you told me earlier
5 you don't have any memory of that; is that
6 correct?

7 A. No, I don't.

8 Q. Have you ever heard the term
9 "slow pharmacies"?

10 A. No, I have not.

11 Q. Do you believe -- or do you
12 have any reason to doubt that the 290 outlets
13 identified to DEA would have been discussed
14 at an order monitoring committee meeting?

15 MR. HOFFMAN: Object to the
16 form.

17 THE WITNESS: I had -- to
18 answer your question, I have no reason
19 to doubt that that discussion may have
20 been had.

21 QUESTIONS BY MS. CONROY:

22 Q. Would there have been a vote --
23 if there were 290 outlets that were referred
24 to DEA, I take it there must have been a vote
25 at the order monitoring committee with

1 respect to those 290 outlets.

2 Is that correct?

3 MR. HOFFMAN: Object to the
4 form.

5 THE WITNESS: I don't --
6 looking at this presentation, I don't
7 know if this is referring to a
8 one-time referral or if that's a
9 recapitulation of referrals over a
10 number of years. It's not clear to
11 me.

12 QUESTIONS BY MS. CONROY:

13 Q. Would it make a difference if
14 it was a one-time referral versus over
15 several years?

16 A. I can't think of a reason why
17 it would make a difference.

18 Q. Okay. There would be a vote
19 one way -- there would be a vote at the order
20 monitoring committee whether it was to refer,
21 you know, more than one pharmacy or just one
22 pharmacy, correct?

23 A. Or there would have been a
24 number of votes over an extended period of
25 time that when you were to add that up would

1 have equaled 290 outlets based on this
2 presentation.

3 Q. And if those 290 outlets were
4 referred to DEA at a time, whether separately
5 or together, that you were sitting on the
6 order monitoring committee, you would have
7 voted on that?

8 A. To the best of my recollection,
9 we would have voted on that.

10 Q. Was it a majority vote,
11 generally? Not just with respect to these
12 290.

13 With respect to whether or not
14 to refer to DEA, was it a majority vote of
15 the committee?

16 A. I recall that it would be a
17 majority vote.

18 Q. And who kept the votes, or who
19 counted them?

20 A. It would be a vocal vote in the
21 meeting.

22 Q. And do you know if the minutes
23 would reflect the votes for the -- to either
24 refer or not refer?

25 A. I believe that in some of the

1 minutes, if not all, that it would reflect
2 that the committee voted to -- the committee
3 voted and approved the referral of a
4 particular pharmacy or pharmacies to the DEA.

5 Q. Was there ever a vote taken at
6 the committee with respect to whether or not
7 a distributor should be contacted about a
8 suspicious pharmacy that it was a question
9 about whether to refer that pharmacy to DEA?

10 MR. HOFFMAN: Object to the
11 form.

12 THE WITNESS: I don't recall
13 any time voting whether we should make
14 contact with the distributor.

15 QUESTIONS BY MS. CONROY:

16 Q. The next slide, 16, there's a
17 summary of the OMS program activity.

18 Have you ever seen any sort of
19 compilation of the order monitoring system
20 activity?

21 A. I don't recall ever seeing this
22 or something like this.

23 Q. Okay. You did receive this
24 e-mail, however, correct?

25 A. The document you produced to me

1 shows my name on it, so I'm assuming that I
2 received this e-mail.

3 Q. Would it be your practice to
4 review something received by Giselle in an
5 e-mail in 2012?

6 A. That would be my practice.

7 MR. HOFFMAN: You said
8 "received by Giselle." You mean, I
9 assume, sent by Giselle?

10 MS. CONROY: Oh, I'm sorry,
11 sent by Giselle. Sorry.

12 QUESTIONS BY MS. CONROY:

13 Q. You see there's a breakdown by
14 state of the outlets that were -- it says
15 there were total of 365 outlets that were
16 either reviewed or referred from 2008 to
17 2011.

18 Do you see that?

19 A. Yes, I do.

20 Q. And then they're broken down by
21 state in the center of the slide.

22 Do you see that?

23 A. Yes.

24 Q. And had you ever seen any kind
25 of compilation or discussed any sort of

1 compilation by state at the committee?

2 A. I don't recall if I did.

3 Q. Can you take a look at

4 Slide 19?

5 A. Uh-huh.

6 Q. It says, "Quantities matter:

7 Excessive orders must be evaluated."

8 Do you agree with that?

9 MR. HOFFMAN: Object to the

10 form.

11 THE WITNESS: I would agree

12 that excessive orders, which would

13 have to -- you'd have to determine if

14 it was excessive. In this case, it

15 would be based on the algorithm. Yes,

16 they must be evaluated.

17 QUESTIONS BY MS. CONROY:

18 Q. Do you have any understanding

19 what the -- of the algorithm used to evaluate

20 whether or not an order is excessive?

21 Is that anything you ever had

22 anything to do with?

23 A. I -- well, that's two

24 questions. Do I understand, yes, I do

25 understand.

1 Q. Okay.

2 A. Okay?

3 And as I mentioned before, to
4 the best of my recollection, it was based on
5 period-to-period analysis of purchases by
6 these pharmacies.

7 Q. Do you know within -- well,
8 strike that.

9 Were you ever part of a
10 conversation with order monitoring committee
11 members or at the committee itself about what
12 kind of numbers would constitute an excessive
13 order?

14 MR. HOFFMAN: Object to the
15 form.

16 THE WITNESS: I don't recall
17 ever having that discussion.

18 QUESTIONS BY MS. CONROY:

19 Q. You can put that exhibit away.
20 Are you familiar with the
21 entities ValuTrack or ValueCentric?

22 A. I've heard the names.

23 Q. If I suggested to you they had
24 something to do with the collection of
25 Fee-For-Service data, would that refresh your

1 memory at all?

2 A. It sounds reasonable.

3 Q. What about the either software,
4 a database or an entity known as Vinyl? Is
5 that familiar to you at all?

6 A. Yes.

7 Q. And what is that?

8 A. As I recall, it's a software
9 that was used to capture information so --
10 for easier retrieval, whether it be reports
11 of concern -- and I'm not sure if
12 Fee-For-Service data was in there, but that's
13 what I recall. It was a better way of
14 tracking information and being able to
15 retrieve that information.

16 Q. Okay. Is it still in effect?
17 Do you know?

18 A. I don't know.

19 Q. Can you put a time frame on it?
20 Would it have been at the time
21 that legal was responsible at the order
22 monitoring committee, or compliance?

23 A. I don't recall. I don't
24 recall.

25 Q. Are you familiar at all with

1 scorecards that are kept by national accounts
2 with respect to particular -- with respect to
3 all of the authorized distributors?

4 A. No.

5 Q. You're not familiar with that
6 term "scorecards"?

7 A. For distributors, no.

8 Q. Okay. Are you familiar with it
9 for pharmacies?

10 A. No.

11 Q. Have you heard of the entity
12 Edge Dynamics?

13 A. No, I have not.

14 Q. I know you hadn't seen the new
15 SOPs 17, 18 and 19.

16 Given that you were -- well,
17 actually, you're still on the order
18 monitoring committee. Were you surprised
19 that they existed?

20 MR. HOFFMAN: Object to the
21 form.

22 THE WITNESS: It doesn't
23 surprise me.

24 QUESTIONS BY MS. CONROY:

25 Q. Are you surprised that your

1 input was not sought for those three SOPs?

2 A. No, I'm not surprised.

3 Q. Why is that?

4 A. This -- as I consider it, this
5 is a detail, an important detail, but really
6 did not require my input.

7 Q. Do you know if anyone else on
8 the order monitoring committee, the one that
9 you served on, was asked for their input or
10 had -- do you know if they had anything to do
11 with the new SOPs?

12 A. I have no knowledge of that.

13 Q. Do you know if SOP 7.7 is still
14 in effect?

15 A. I don't know.

16 Q. Did you ever see any board
17 packages or have any discussions at the -- or
18 not board -- committee packages or have any
19 discussions at the order monitoring committee
20 about any CVS stores?

21 A. I don't recall any discussions
22 about any particular chains, including CVS.

23 Q. Do you know why there wouldn't
24 have been any discussion about chains?

25 A. No.

1 MR. HOFFMAN: Object to the
2 form.

3 THE WITNESS: No, I don't.

4 QUESTIONS BY MS. CONROY:

5 Q. Do you know whether the
6 individual data with respect to the actual
7 chain pharmacy at a particular street address
8 was available in the Fee-For-Service data?

9 A. I assume that it was.

10 Q. Did it ever -- did it ever come
11 up as an issue that the chain pharmacies did
12 not appear in conversations at the order
13 monitoring committee?

14 MR. HOFFMAN: Object to the
15 form.

16 THE WITNESS: I don't recall.

17 QUESTIONS BY MS. CONROY:

18 Q. But you do recall that -- you
19 don't recall there ever being a discussion
20 about one of the chain pharmacies at an order
21 monitoring committee meeting?

22 A. I don't recall.

23 Q. You don't --

24 A. I don't recall a discussion
25 about a chain pharmacy at an OMS meeting.

1 Q. Okay. Thank you.

2 Do you believe that Purdue had
3 as much data as their authorized distributors
4 with respect to the outlets or the
5 pharmacies?

6 MR. HOFFMAN: Object to the
7 form.

8 THE WITNESS: I can't judge
9 that because I don't know what the
10 distributors actually had.

11 QUESTIONS BY MS. CONROY:

12 Q. Was there anything that you
13 believed Purdue was missing with respect to
14 pharmacy data that it was receiving from the
15 distributors?

16 MR. HOFFMAN: Object to the
17 form. Calls for speculation.

18 THE WITNESS: It never -- I
19 never thought of any particular
20 information that was not forthcoming
21 to us based on what we were requiring
22 from the distributors.

23 QUESTIONS BY MS. CONROY:

24 Q. So you yourself never
25 identified any gaps or areas where you would

1 like more information?

2 A. More information from whom?

3 Q. From the -- from your customer,
4 the distributor.

5 A. I don't recall that ever coming
6 up or me thinking there was a gap.

7 Q. Right.

8 A. I don't recall that happening.

9 Q. Okay. Would you agree that at
10 least as long as you were involved in the
11 order monitoring committee that Purdue has no
12 quantifiable trigger that identifies an order
13 as suspicious and would require a referral to
14 DEA?

15 MR. HOFFMAN: Object to form.
16 Beyond the scope.

17 THE WITNESS: Would you
18 rephrase the question, please?

19 QUESTIONS BY MS. CONROY:

20 Q. Well, I'll tell you what, I'll
21 try or -- I'll reask it.

22 Do you know if Purdue has a
23 quantifiable trigger that would automatically
24 require Purdue to refer to the DEA a
25 suspicious customer?

1 MR. HOFFMAN: Object to form.

2 Time frame and beyond the scope.

3 THE WITNESS: I do not know if
4 we have an -- a quantifiable automatic
5 trigger, and there's none to the best
6 of my knowledge.

7 QUESTIONS BY MS. CONROY:

8 Q. And so far as you know, the
9 order monitoring committee must be involved
10 in order to reach a determination to refer a
11 suspicious pharmacy or outlet to the DEA?

12 MR. HOFFMAN: Object to form.

13 THE WITNESS: Order monitoring
14 committee or system would be -- has to
15 be involved --

16 QUESTIONS BY MS. CONROY:

17 Q. Right.

18 A. -- for pharmacy referrals to
19 the DEA.

20 Q. Or at least that's how you
21 understand it works. There would be a
22 determination by the members of the order
23 monitoring committee to refer to DEA?

24 A. That is correct.

25 Q. Are you aware of any time

1 restrictions based on ongoing investigations
2 of suspicious pharmacies or customers at
3 Purdue?

4 MR. HOFFMAN: Object to the
5 form.

6 THE WITNESS: I'm not aware of
7 any time restrictions.

8 QUESTIONS BY MS. CONROY:

9 Q. So for as long as the order
10 monitoring committee decides to investigate a
11 pharmacy, there's no cutoff of that; they can
12 continue to investigate as long as they see
13 fit?

14 A. I'm unaware of any time
15 restriction.

16 Q. Is it true that if a
17 distributor's customer was deemed to be
18 suspicious, at least by triggering the
19 algorithm, that a distributor could just --
20 in a conversation with a member of the order
21 monitoring committee could justify that or
22 explain why such an order took place or
23 whatever to dispel the suspicion?

24 MR. HOFFMAN: Object to form.

25 THE WITNESS: It's my

1 understanding that there -- in that
2 conversation, if it was had and when
3 it was had, that they could provide,
4 the distributor could provide,
5 justification or an explanation that
6 may explain the anomaly in the orders.

7 That information then would be
8 presented to the OMS team for
9 consideration.

10 QUESTIONS BY MS. CONROY:

11 Q. Do you know if that information
12 needed to be in writing or could it be
13 relayed to one of the -- to the order
14 monitoring committee members and then
15 expressed at the committee meeting, or did it
16 need -- did that justification or explanation
17 need to be in writing from the distributor or
18 from the pharmacy?

19 A. Yeah, I don't believe it needed
20 to be in writing.

21 Q. Okay. I don't know if you know
22 the answer to this, but let me ask it anyway.

23 With respect to any electronic
24 records with respect to the OMS work or lists
25 of suspicious pharmacies or whatever, do you

1 know if someone went in and searched that
2 database if those -- if logs of searches were
3 retained?

4 A. I have no knowledge of that.

5 Q. Okay. And likewise, do you
6 know whether or not it was possible to
7 overwrite electronic notes in the OMS
8 database? Do you know one way or the other?

9 A. I don't know.

10 Q. Do you know one way or the
11 other whether there is any centralized
12 repository for queries that were made into or
13 of the order monitoring database?

14 MR. HOFFMAN: I'll just object
15 to form. I think all of these are
16 beyond the scope.

17 But go ahead, if you know.

18 THE WITNESS: I don't know.

19 QUESTIONS BY MS. CONROY:

20 Q. Do you believe there's an
21 opioid crisis in this country?

22 MR. HOFFMAN: Objection.
23 Beyond the scope.

24 THE WITNESS: Yes, there is
25 an -- I do believe there's an opioid

1 crisis.

2 QUESTIONS BY MS. CONROY:

3 Q. Do you believe that the order
4 monitoring committee and the role it played
5 was successful?

6 MR. HOFFMAN: Object to form.

7 THE WITNESS: I believe that
8 the order monitoring committee, that
9 the good work and the evolution of
10 that committee to do its job better
11 and better and more efficiently, was
12 successful to a certain extent. It --
13 there were referrals to the DEA, and
14 we considered that a very positive
15 step and a good thing to do.

16 So there's a certain -- certain
17 measure of success there as far as I'm
18 concerned.

19 QUESTIONS BY MS. CONROY:

20 Q. Okay. And is that how you
21 measure the success of the order monitoring
22 committee, the referrals to DEA?

23 MR. HOFFMAN: Object to form.

24 Beyond the scope.

25 THE WITNESS: I could see that

1 as being a measure of success.

2 QUESTIONS BY MS. CONROY:

3 Q. Any other measures that you can
4 see?

5 MR. HOFFMAN: Same objection.

6 THE WITNESS: I would say over
7 time that the measure of success is
8 how we -- how the committee became
9 more sophisticated, developed and was
10 continuously improving itself.

11 QUESTIONS BY MS. CONROY:

12 Q. Would you agree that the one
13 reason for the opioid crisis is oversupply of
14 opioids in the United States?

15 MR. HOFFMAN: Object to form.
16 Beyond the scope.

17 THE WITNESS: I believe that
18 the opioid crisis -- very complicated,
19 many, many factors there, so -- and I
20 never -- I haven't studied it to say
21 what are those specific factors and if
22 that would be -- went into play.

23 QUESTIONS BY MS. CONROY:

24 Q. So you don't know if oversupply
25 would be one factor?

1 A. I can't comment on that.

2 Q. Was the order monitoring
3 committee set up in part to determine whether
4 or not there was oversupply to a particular
5 customer?

6 MR. HOFFMAN: Object to the
7 form.

8 THE WITNESS: I was not with
9 the company when they set up the order
10 monitoring system.

11 QUESTIONS BY MS. CONROY:

12 Q. Did you ever understand
13 oversupply to a particular customer to be
14 potentially a suspicious -- an indication of
15 suspicion?

16 MR. HOFFMAN: Object to form.

17 THE WITNESS: I do recall in
18 one instance, and I forget the name of
19 the distributor, but it was tied to a
20 pharmacy in Las Vegas, and I do recall
21 that there was discussion about not
22 about oversupply but overpurchasing by
23 this particular wholesaler, and it
24 appeared that a lot of the product was
25 going to one particular pharmacy.

1 QUESTIONS BY MS. CONROY:

2 Q. So overpurchasing by a
3 distributor that was then ultimately supplied
4 to an individual pharmacy, would you call
5 that oversupply?

6 A. I would call it a suspicious
7 order.

8 Q. Suspicious because of its size?

9 A. Because of its size.

10 Q. Did the order monitoring
11 committee ever stop any shipments of opioids?

12 A. I believe that there were
13 certain instances where not the order
14 monitoring team -- committee, but individuals
15 or an individual that is a member of the
16 team, based on a lot of this information,
17 would at times produce orders to certain
18 wholesalers.

19 Q. Did you ever, as an order
20 monitoring committee member, reduce an order
21 to a wholesaler?

22 A. No, I did not, because I did
23 not have the authority to do so.

24 Q. Who did have the authority to
25 do that?

1 A. I -- as I recall, it was done
2 by Stephen Seid.

3 Q. Okay. And do you believe
4 Stephen Seid, as a member of the order
5 monitoring committee, reduced certain orders
6 to wholesalers?

7 A. I recall him doing it -- I
8 recall there were instances where, in fact,
9 he had done that.

10 Q. Okay. And do you recall why he
11 did that?

12 A. Because the orders appeared to
13 be suspicious.

14 Q. Suspicious because of size?

15 MR. HOFFMAN: Object to the
16 form.

17 THE WITNESS: Because either of
18 size or because it became -- based on
19 the algorithm, it looked unusual.

20 QUESTIONS BY MS. CONROY:

21 Q. And he had the authority to do
22 that on his own. That was not something that
23 the order monitoring committee would vote on?

24 A. I believe that he -- I don't
25 believe it was the vote of the order

1 monitoring committee, but Steve Seid, whether
2 he did on it on his own or had to receive
3 approval from his management, is something
4 I'm unaware of.

5 Q. But that was outside of -- as
6 far as you know, the order monitoring
7 committee never stopped any shipments of
8 opioids?

9 MR. HOFFMAN: Object to the
10 form.

11 THE WITNESS: The order
12 monitoring committee was a monitoring
13 committee, not responsible, or
14 directly responsible, for the movement
15 of product.

16 MS. CONROY: I think that's all
17 I have. Thank you.

18 THE WITNESS: Thank you.

19 MR. LAFATA: Let's go off the
20 record.

21 VIDEOGRAPHER: Okay. The time
22 is 2:12 p.m. Off the record.

23 (Off the record at 2:12 p.m.)

24 VIDEOGRAPHER: The time is
25 2:31. Back on the record.

1 CROSS-EXAMINATION

2 QUESTIONS BY MR. HOFFMAN:

3 Q. Mr. Geraci, good afternoon.

4 Again, for the record, my name
5 is Nathan Hoffman. I represent Purdue, and
6 now it's my chance to ask you a few
7 questions.

8 Okay?

9 A. Okay.

10 Q. I promise to be brief. Thank
11 you for your patience.

12 I'd like to go to Exhibit 9, if
13 you have that in front of you. Just ask you
14 a couple of clarifying questions.

15 And specifically, I'd like for
16 you to turn to Slide Number 5, please.

17 A. (Witness complies.)

18 Q. Slide Number 5 is entitled,
19 "OMS Information Sources." And you will see
20 that the fourth bullet point in the slide
21 describes a prescriber -- it says,
22 "Prescriber program information."

23 Do you see that?

24 A. Yes, I do.

25 Q. And you were asked some

1 questions about that earlier, and I just want
2 to clarify for the record.

3 What was the prescriber program
4 at Purdue?

5 MS. CONROY: Objection.

6 THE WITNESS: In looking at
7 this, I'm assuming that this is
8 referring to the ADD program. I don't
9 recall ever hearing it described as a
10 prescriber program -- prescriber
11 program information.

12 QUESTIONS BY MR. HOFFMAN:

13 Q. But as far as any distinction
14 between, for example, order monitoring, the
15 order monitoring system and a prescriber
16 program, is the only prescriber program that
17 you're aware of at Purdue, would that be the
18 ADD program?

19 MS. CONROY: Objection.

20 THE WITNESS: That would be
21 correct.

22 QUESTIONS BY MR. HOFFMAN:

23 Q. Okay. And you had some
24 discussion about that earlier.

25 Is it true that the ADD program

1 was abuse, diversion and detection program?

2 A. Yes.

3 Q. And which department or
4 departments were involved in the ADD program,
5 if you know?

6 A. Legal department.

7 Q. So would that be a separate
8 group analyzing that information as compared
9 to the OMS committee?

10 A. That is correct.

11 Q. Okay. And then on the second
12 page -- excuse me, not the second page, the
13 next page, which is Slide 6, there is a title
14 at the top of the slide. It says,
15 "Prescriber versus Dispenser."

16 Do you see that?

17 A. Yes, I do.

18 Q. And does this slide, in fact,
19 make a distinction between the prescriber
20 program on the one hand and the OMS program
21 on the other?

22 MS. CONROY: Objection.

23 THE WITNESS: Yes, it does.

24 QUESTIONS BY MR. HOFFMAN:

25 Q. And were you involved at all

1 directly in the ADD program versus your role
2 in sitting on the OMS committee?

3 A. I was not directly involved in
4 the ADD program.

5 Q. You were asked some questions
6 by Ms. Conroy, I believe, to the effect of
7 whether or not the OMS committee had the
8 authority to stop or halt or change the
9 orders that were being sent out to the
10 wholesalers and distributors.

11 Do you recall that?

12 A. Yes, I do.

13 Q. Do you recall whether, in fact,
14 the OMS committee at times provided guidance
15 or input to committee members on the halting,
16 changing or the volume of orders that were
17 actually shipped to wholesalers and
18 distributors?

19 MS. CONROY: Objection.

20 THE WITNESS: I don't -- I
21 don't recall specifically, but it's
22 reasonable that the committee would
23 have provided guidance or
24 recommendations to certain committee
25 members concerning the distribution of

1 product to the distributors.

2 QUESTIONS BY MR. HOFFMAN:

3 Q. And would that be generally in
4 the custom and practice of the committee to
5 provide that type of guidance to its members?

6 MS. CONROY: Objection.

7 THE WITNESS: When appropriate.

8 QUESTIONS BY MR. HOFFMAN:

9 Q. And I believe you mentioned
10 Mr. Seid earlier.

11 Is that who typically would be
12 involved in those discussions?

13 A. He would be in those
14 discussions and would in these -- in this
15 instance would have been the recipient of
16 that guidance and/or recommendation from the
17 committee.

18 MR. HOFFMAN: Okay. Thank you.

19 I believe those are all the questions
20 we have at this time.

21 MS. CONROY: I have a couple of
22 follow-ups.

23 MR. HOFFMAN: Let me mark that
24 real quick for the record, just before
25 you come back over here. I forgot to

1 do this.

2 Just for the record, I'd like
3 to mark as Exhibit 10 -- it's just our
4 objection to the notice of deposition
5 regarding the scope of the notice we
6 received from plaintiff's counsel. I
7 simply want to mark it for the record.
8 I'm not going to ask any questions
9 about it.

10 (Purdue-Geraci Exhibit 10
11 marked for identification.)

12 REDIRECT EXAMINATION

13 QUESTIONS BY MS. CONROY:

14 Q. Mr. Geraci -- I'll wait until
15 he get done. Sorry.

16 With respect to the ADD
17 program, you said that the legal department
18 would be the separate group that would
19 analyze that information developed from the
20 ADD program as opposed to the order
21 monitoring committee?

22 A. Yes.

23 Q. But isn't it true that the
24 order monitoring committee did have access to
25 whatever analysis was done by the legal

1 committee of the ADD information?

2 A. I believe I testified to that
3 already and said yes.

4 Q. Okay. So even though the
5 analysis was done by the legal department,
6 the order monitoring committee would be able
7 to utilize that abuse, diversion -- abuse,
8 detection and diversion information in its
9 analysis of suspicious pharmacies?

10 A. Yes, it could.

11 Q. Your answers with respect to
12 the questions about whether or not it would
13 be -- whether or not you would have
14 conversations among committee members with
15 respect to the halting of product, do you
16 recall that?

17 The question was: Do you
18 recall whether, in fact, the OMS committee at
19 times provided guidance or input to committee
20 members on the halting, changing or the
21 volume of orders that were actually shipped
22 to wholesalers and distributors?

23 And you said you didn't recall
24 specifically, but it was reasonable that the
25 committee would have provided guidance or

1 recommendations to certain committee members
2 concerning the distribution of product.

3 Do you recall that?

4 A. Yes.

5 Q. Do you have a memory of
6 providing guidance, or are you testifying
7 that it would have been reasonable for you to
8 do that but you don't know if it ever
9 happened?

10 MR. HOFFMAN: Object to the
11 form.

12 THE WITNESS: I believe I also
13 testified that I did recall an
14 instance, one particular wholesaler,
15 that had come to the attention of the
16 committee and had been -- and that
17 there was guidance provided, I believe
18 it was guidance provided, or sales
19 operations, Steve Seid, cut back
20 orders to that particular wholesaler.
21 I believe I did testify to that, in
22 fact.

23 QUESTIONS BY MS. CONROY:

24 Q. Okay. So that was a particular
25 incidence when Stephen Seid came to the

1 committee and talked to you about a
2 particular order from a distributor, a
3 particular size order?

4 A. What I stated was I don't
5 recall how it came about, whether Steve Seid
6 brought it to the committee's attention, or
7 if this particular wholesaler and, of course,
8 by extension, the pharmacy or pharmacies
9 connected to it, had been under scrutiny by
10 the OMS committee. I don't recall that.

11 But I do recall that there was
12 an instance where orders to a particular
13 wholesaler were, in fact, cut back.

14 Q. Do you have any particular --
15 do you have any memory at all of discussing
16 with committee members specific size orders
17 that should be suspicious or a particular
18 frequency of orders that should be suspicious
19 or a particular pattern that should be
20 suspicious?

21 MR. HOFFMAN: Object to the
22 form.

23 THE WITNESS: I don't recall
24 having that specific discussion.
25

1 QUESTIONS BY MS. CONROY:

2 Q. Okay. What you do recall is
3 when an actual order was described to you, as
4 a committee member, that you commented on
5 that particular order. And it was your
6 recommendation, or at least the committee's
7 recommendation, to Mr. Seid that that -- that
8 order should not be shipped?

9 A. What I -- what I believe I
10 stated just before was I don't recall the
11 sequence of how it came to the committee's
12 attention, what came first, but I do recall
13 an instance where orders were cut back to a
14 particular wholesaler.

15 Q. So if you don't recall the
16 sequence, then you might remember that the
17 committee decided a certain amount in an
18 order should not be shipped, and then it's
19 possible then that Mr. Seid said, "Oh, I have
20 one of those"?

21 A. No, I don't recall it that way,
22 and I don't recall that it was a particular
23 size.

24 It was -- the one I'm referring
25 to that I recall was -- and again, I don't

1 recall the sequence as to how it came about
2 or came to the committee's attention, if it
3 was sales, operation or national account,
4 Mr. Seid seeing the pattern here, or if it
5 was activity, investigative activity, that
6 had been on -- under review by the OMS team.
7 I just don't recall what came first.

8 And then I do recall that there
9 was discussion and that there was a reduction
10 in our sale of our product to this particular
11 wholesaler.

12 Q. Do you recall the wholesaler?

13 A. If I recall correctly, I
14 believe it was called Value Drug. I believe.

15 Q. And that was a wholesaler?

16 A. Yes.

17 Q. Is that a wholesaler that was
18 part of the L.A. investigation?

19 A. L.A. investigation by whom?

20 Q. By the L.A. Times or -- there
21 was a very large investigation. Jack Crowley
22 was quoted in the newspaper.

23 Do you remember that?

24 A. I remember the L.A. Times
25 articles. I don't recall specifically if

1 Valley Drug or whatever their name actually
2 is or was mentioned in those articles. I
3 just don't recall it.

4 Q. Okay. But you believe the
5 wholesaler was Valley Drug?

6 A. I believe so.

7 Q. And is it your best memory that
8 the order to Valley Drug was reduced?

9 A. To the best of my recollection,
10 a order, or it could be orders, were in fact
11 reduced.

12 Q. And what you don't recall is
13 whether Valley Drug was already a subject of
14 review by the order monitoring committee when
15 this issue came up or whether someone brought
16 it to the attention of the order monitoring
17 committee?

18 A. That is correct.

19 Q. That's what you mean by
20 sequence; you don't know whether the
21 conversation started?

22 A. As I've stated repeatedly, yes,
23 that is correct, I don't know what came
24 first.

25 Q. Do you recall if there was a

1 discussion among the committee members as to
2 what would constitute size, frequency or
3 pattern that would require Mr. Seid to reduce
4 the supply to Valley Drug?

5 MR. HOFFMAN: Object to the
6 form.

7 THE WITNESS: I don't -- I
8 don't recall those details.

9 QUESTIONS BY MS. CONROY:

10 Q. And that's the only instance
11 you recall?

12 A. That's the only instance that I
13 recall.

14 MS. CONROY: For completeness,
15 let me mark the notice as well since
16 you put the objection in.

17 We have a copy of the notice,
18 right?

19 Do we?

20 MS. HURD: Oh, I don't know.

21 Yeah, it's here. Sorry.

22 MS. CONROY: That will be
23 Exhibit 11.

24 (Purdue-Geraci Exhibit 11
25 marked for identification.)

1 MS. CONROY: And I don't have
2 any further questions. I just want to
3 mark the exhibits.

4 THE WITNESS: Okay. Thank you.

5 MS. CONROY: Thank you.

6 VIDEOGRAPHER: Should we go off
7 the record?

8 MR. HOFFMAN: That's fine.
9 Yeah, we can mark it off the record.

10 VIDEOGRAPHER: Okay. This
11 marks the end of today's deposition.
12 The time is 2:46 p.m.

13 (Deposition concluded at 2:46 p.m.)

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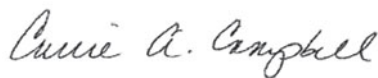
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CERTIFICATE

I, CARRIE A. CAMPBELL, Registered
Diplomate Reporter, Certified Realtime
Reporter and Certified Shorthand Reporter, do
hereby certify that prior to the commencement
of the examination, Mark Geraci was duly
sworn by me to testify to the truth, the
whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the
foregoing is a verbatim transcript of the
testimony as taken stenographically by and
before me at the time, place and on the date
hereinbefore set forth, to the best of my
ability.

I DO FURTHER CERTIFY that I am
neither a relative nor employee nor attorney
nor counsel of any of the parties to this
action, and that I am neither a relative nor
employee of such attorney or counsel, and
that I am not financially interested in the
action.



CARRIE A. CAMPBELL,
NCRA Registered Diplomate Reporter
Certified Realtime Reporter
Notary Public
Dated: April 9, 2019

INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it. You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

ACKNOWLEDGMENT OF DEPONENT

I, _____, do
hereby certify that I have read the foregoing
pages and that the same is a correct
transcription of the answers given by me to
the questions therein propounded, except for
the corrections or changes in form or
substance, if any, noted in the attached
Errata Sheet.

Mark Geraci

DATE

Subscribed and sworn to before me this
_____ day of _____, 20 _____.

My commission expires: _____

Notary Public

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			ERRATA
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LAWYER'S NOTES

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